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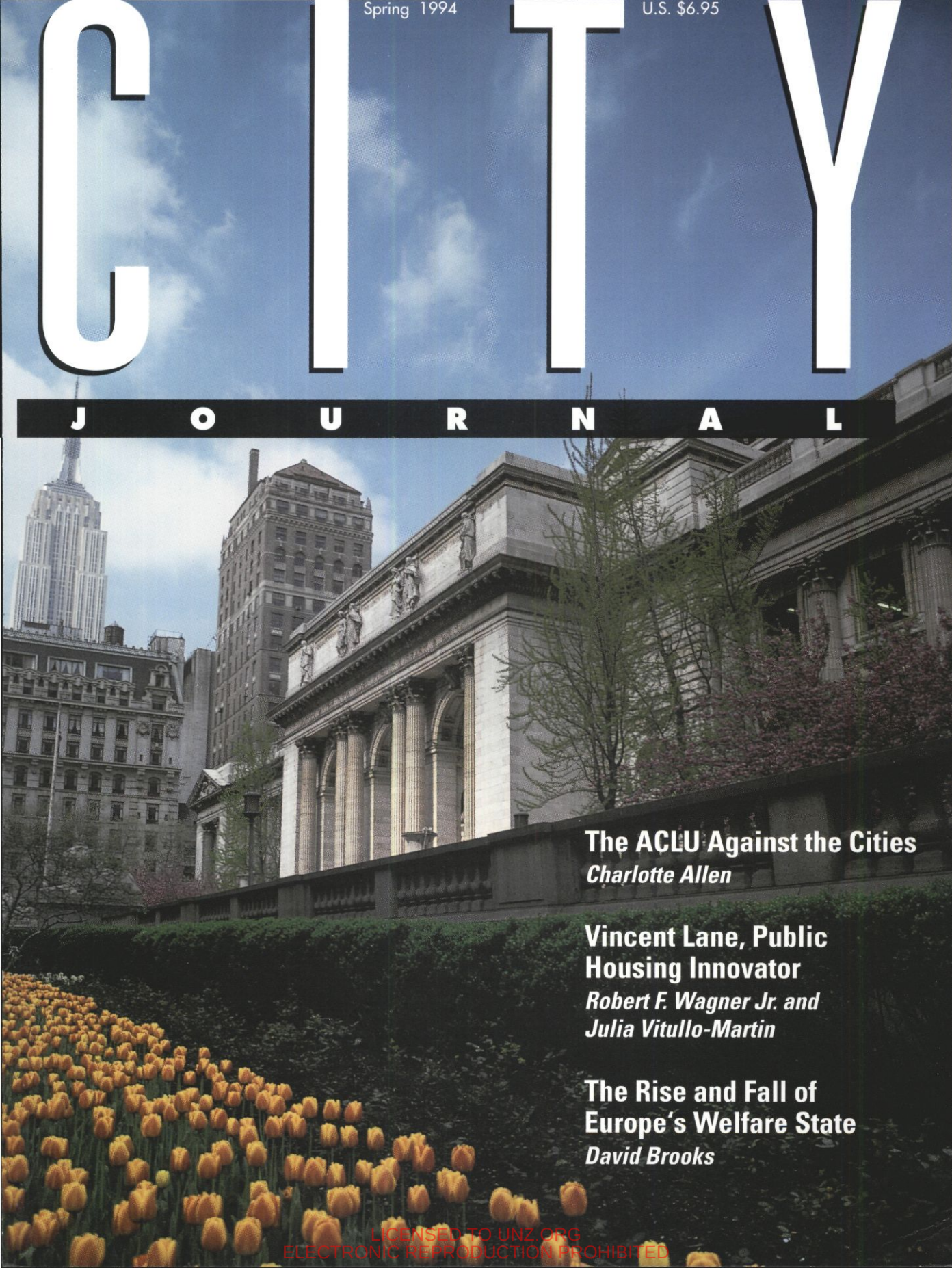
CITY JOURNAL



The ACLU Against the Cities
Charlotte Allen

Vincent Lane, Public Housing Innovator
Robert F. Wagner Jr. and Julia Vitullo-Martin

The Rise and Fall of Europe's Welfare State
David Brooks

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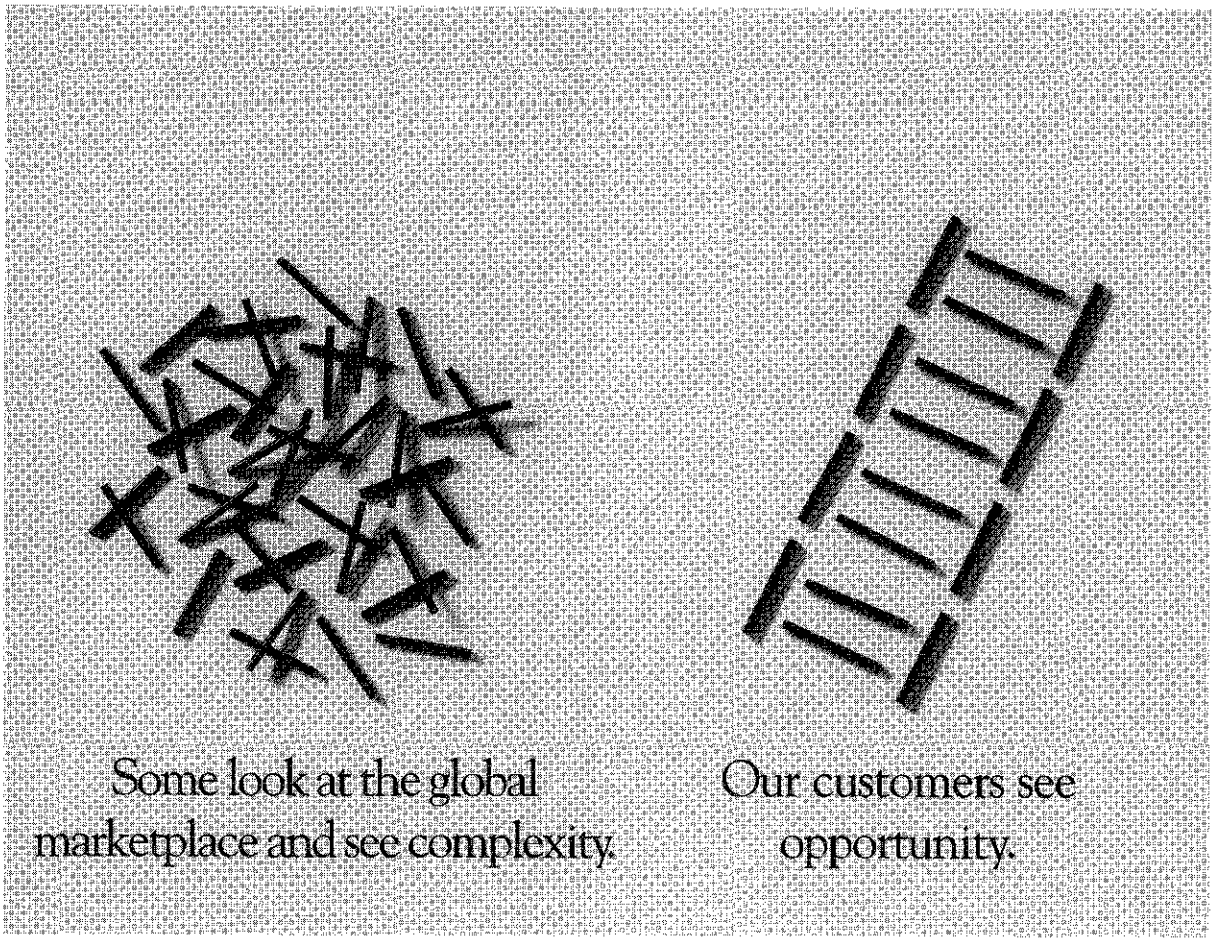

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Robert F. Wagner Jr. served in a variety of New York City government posts, including city councilman (1974-1977), chairman of the City Planning Commission (1978-1979), deputy mayor for policy (1979-1984), and president of the Board of Education (1986-1990). At his death in November 1993, he was vice chairman of the polling firm LH Research and chairman of Citizens Union.

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Forbes

CAPITALIST TOOL

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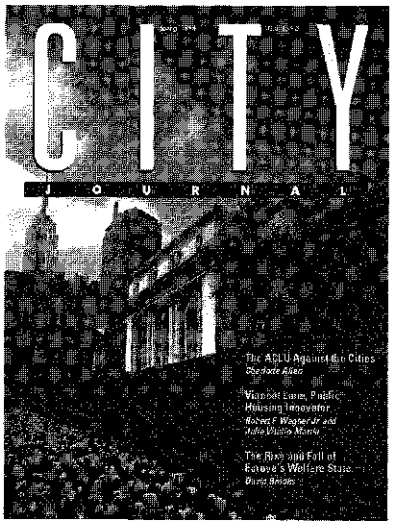
The *City Journal*, while edited, published, and firmly grounded in New York, is a forum for the exchange of ideas about cities and urban problems throughout the nation. Those of us interested in enhancing the vitality of cities have a great deal to learn from the successes and failures of programs, policies, and personalities forged not only in other cities, but in the crucibles of national public policy.

Take the design of national welfare policies, which have a profound impact on the cities' poor. In the decade since Charles Murray wrote *Losing Ground*, many aspects of his then-radical critique have become staples of the conventional wisdom. To reacquaint our readers with this seminal work, we have reprinted Murray's concluding chapter. Welfare reform is also a hot item on the European political agenda, as David Brooks informs us in "The Other Side of Paradise." Corresponding from Brussels, Brooks indicates the increasing difficulties most western European nations face in both sustaining and reforming their welfare states. He draws some cautionary conclusions for those Americans contemplating enlarging ours.

The *City Journal* continues to feature the work of pioneering governmental and civic leaders dedicated to reviving the missions of their institutions. We once again turn the spotlight on an innovative big-city mayor in Bettie Cadou's profile of Indianapolis's Stephen Goldsmith. Julia Vitullo-Martin and the late Robert F. Wagner Jr. describe the inspiring struggle of Chicago's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Robert F. Wagner Jr. and Julia Vitullo-Martin
The Rise and Fall of Europe's Welfare State

public housing chief, Vincent Lane, against social pathology and bureaucratic paralysis. And Kay Hymowitz, in "Up the Up Staircase," chronicles the success of a visionary educator, Amalia Betanzos, whose Wildcat Academy proves that you can take some of New York's toughest youngsters and turn them into productive, law-abiding citizens.

In doing their heroic work, these urban pioneers must overcome resistance from obdurate public systems and vested interests. Among the most critical for all U.S. cities are the criminal justice and educational systems. Rita Kramer, in "Taking Off the Kid Gloves," paints a bleak picture of the juvenile justice system in New York, whose catch-22 philosophy and procedures make it impossible to cope with the alarming rise in juvenile crime. Charlotte Allen, in "The ACLU Against the Cities," reviews the growing willingness of urban residents across the country to challenge the ACLU and the courts when they protect the perpetrators of disorder and incivility in public places. On a more hopeful note, this edition's "At Issue" features a distinguished group of public educators contemplating a new concept, the "learning zone," that might revive some of the most hopeless inner-city schools.

What ties all these articles together is the *City Journal*'s abiding faith in American cities' ability to learn from each others' successes, as well as mistakes. These stories also tell us that the difference between success and failure often resides not so much in the perfection of programs and policies as in the emergence of visionary and determined leaders who are prepared to challenge the status quo to make their cities happier and more prosperous.

The *City Journal* has tried to make a contribution to the governance of New York by supplying useful analyses, ideas, and insights. Now, we appear to be making a contribution in personnel as well. Three members of the *City Journal*'s publication committee have moved on to important positions in the Giuliani administration. Thomas Hirschfeld is an assistant to the mayor, Henry Stern has returned to his former position as parks commissioner, and Joseph Rose is chairman of the City Planning Commission. In addition, Edward Costikyan of our editorial board has been named a special advisor on borough government.

—The Editors

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The Politics of Squeegees

New York City has an odd new political interest group: "squeegee men." Mayor Rudolph Giuliani's inauguration was attended by protesters on behalf of the squeegee men—who approach motorists, wash their windows, and ask for money, often aggressively. A few weeks later, a group calling itself the Squeegee Coalition threatened to disrupt a speech by Giuliani. Gadfly attorneys William Kunstler and Ron Kuby have offered free legal representation to squeegee-wielders arrested or cited as part of a police crackdown.

During the 1993 mayoral campaign, Giuliani had pointed to the squeegee men as an example of the sort of quality-of-life problem to which New York officials should pay more attention. His opponent, incumbent David Dinkins, scoffed: "Killers and rapists are the city's real public enemies, not squeegee pests." Giuliani, the argument goes, was scapegoating a powerless group in the name of solving a trivial problem.

But it's worth noting that it was Dinkins's police commissioner, Raymond Kelly, who launched the crackdown on squeegee men in October 1993. Kelly also commissioned Northeastern University criminologist (and *City Journal* contributor) George Kelling to study the phenomenon. Kelling's report, released in February 1994, argued that public fear of the squeegee men was justified. Out of 41 squeegee men arrested or cited during the crackdown, 19, or nearly half, had previous arrests for drug offenses, and 21, or just over half, had been arrested for robbery, assault, burglary, larceny, or carrying a gun. Moreover, while some window washers are good-natured and unassuming, others "appear to behave in ways that are calculated to menace drivers," Kelling wrote. When drivers do not cooperate, some squeegee men drape themselves over the front of the car to prevent it from moving or spit on the windows. One squeegee man, interviewed by the *Boston Globe*, had this rationalization for his tactics: "Everybody is an aggressor. If IBM takes over AT&T, [are] they going to be nice about it?"

Welfare Reform: States Take the Lead

With the Clinton administration preoccupied with health care, the federal welfare reform debate has gotten off to a slow start. But at the state and local level, an astonishing array of welfare reform efforts is under way.

Michigan has dropped all single, able-bodied adults without dependent children from its welfare rolls, saving $250 million a year. At the same time, the state has reduced the incentive not to work for those who remain eligible. Recipients are allowed to earn up to $200 a month without reducing the size of their welfare checks; wages above $200 are penalized by only 20 percent. One in four Michigan welfare recipients is now working. State officials propose even more incentives to work, such as advancing recipients their earned-income tax credits in cash instead of making them wait for refunds and giving recipients with jobs a cash supplement instead of food stamps.

The size of Wisconsin's welfare caseload has dropped by 17 percent since 1987, when Governor Tommy Thompson took office after running on an antiwelfare platform. A variety of Thompson-initiated programs mandate job training and require teenagers on welfare to finish their education. The penalty for noncom-

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pliance is a cut in benefits. Wisconsin also vigorously enforces its child-support laws. In two pilot programs set to begin shortly in certain counties, the state will provide financial incentives for mothers on welfare to marry and will cut off all cash benefits (but not health insurance and child care) after two years.

Other examples abound. New Jersey refuses to increase benefits if a mother on welfare bears additional children. Georgia requires unmarried welfare recipients under 18 to live with a parent or guardian and freezes benefits for two years if a mother on welfare has another child. California has a mandatory job-training and education program that includes child care and transportation. Florida orders some recipients to start looking for jobs immediately and gives them a crash course in filling out applications and handling interviews. Maryland penalizes recipients who don't participate in job training or whose children's school attendance rate drops below 80 percent.

New York City recently signed a contract with America Works, a private company that offers perfunctory training in basic skills, then places the recipient in an entry-level job and is paid only after the client has stayed on the job for several months. (America Works was the subject of a critical article in the *New York Times*, which Jan Rosenberg analyzes elsewhere in this issue.) Governor Mario Cuomo has introduced a welfare-reform package that includes an earned income tax credit, incentives for teenage recipients to stay in school, and stronger work requirements. And in the most audacious welfare-reform plan to date, Massachusetts Governor William Weld has announced a proposal to cut the state's rolls nearly in half by channeling the cash grants of most able-bodied recipients into day care and family health insurance, forcing them into the labor market.

Fine Print

Mayor Giuliani has eliminated a key portion of New York City's affirmative action program for city contracting. The provision, which dated from 1992, allowed female- or minority-owned companies to win contracts even if their bids werre up to 10 percent higher than the lowest bid submitted. Predictably, Giuliani came under fire from minority advocates. But as *Newsday* columnist Sheryl McCarthy reports, the biggest beneficiaries of the scrapped "price preference" program turn out to have been—white men.

Under the program, a business owned by a white man could qualify for a price preference by forming a joint venture with a smaller female- or minority-headed firm. In 1993, six out of ten of the program's beneficiaries were joint ventures. That is why, as McCarthy reports, businesses owned by white men collected $22.8 million of the $59 million the city awarded in 1993 under the price-preference program. Their female or minority partners collected only $12.2 million, and outside of joint ventures, firms owned by blacks received only $2.9 million.

In any case, the price-preference program seems to be gone for good. A few days after Giuliani terminated it, a New York state judge ruled the program invalid under a state law requiring government agencies to accept the lowest bids in awarding contracts.

Back to School

Cities across the country are employing an old-fashioned approach to combating teen violence: cracking down on truant schoolchildren. "A significant number of truants are involved in criminal activities of all types," said New York Police Commissioner William Bratton as he announced a plan to assign an officer in each of the city's 75 precincts to patrol on school days looking for truants. Those who are caught will be returned to school and their parents notified.

In Philadelphia, where the school district had laid off all but one of its 47 truant officers, city and transit police look for school-age children in public places, then take them in handcuffs to one of six truancy centers at public schools, where counselors interview them and try to contact parents.

Other cities, including Atlanta, Milwaukee, St. Louis, Oklahoma City, New Orleans, and Washington, also have active antitruancy programs. San Jose, California, which has had such a program since 1983, reports astonishing success: an average 98 percent school attendance rate (the nationwide average is 90 percent, and many urban areas are substantially lower). The San Jose district attributes its success to a comprehensive program of monitoring truants to discourage repeat offenses, including having parents or a police officer escort the youngsters to school.

HUD Follies

Henry Cisneros, the secretary of housing and urban development, has declared homelessness his department's top priority—even though most experts now agree that homelessness is less an issue of housing than of substance abuse, mental illness, and other personal problems. That means that HUD, which was originally set up to coordinate public housing and

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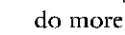
home mortgage programs, is likely to devote more of its attention to providing social services.

In his $29.5 billion proposed budget for fiscal 1995, Cisneros proposes to increase the amount spent on homeless programs from $823 million to $1.63 billion. Many of these programs are laden with "transitional" services such as counseling and medical and psychiatric care.

A Clinton administration report on homelessness would, if its recommendations are implemented, swell HUD's social-service component even further. The plan, titled "Priority: Home!" and prepared by an interagency group chaired by Cisneros, does not specify the amount of new spending that would be necessary to provide housing and other assistance to those who live on the streets. But it does say that, had HUD's budget kept pace with inflation since 1980, the department would be spending $40 billion a year in addition to the $25 billion it currently spends. That $65 billion total would make HUD the third-largest Cabinet-level agency, topped only by the Department of Health and Human Services and the Department of Defense.

The plan hints darkly at a possible way to fund new homeless services: scale back the deduction for interest on home mortgages, which saved taxpayers $41 billion in 1993. The interagency report does not explicitly advise eliminating the popular tax break but does call it a subsidy for the upper and middle classes that is much larger than current federal housing subventions for the poor.

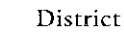


Head of the Class

The school system in Union, New Jersey, boasts an extraordinarily high degree of academic achievement and an extraordinarily low dropout rate for its 6,700 students. But the Union Township School District spends about $1,000 *less* per pupil than the New Jersey state average, and its elementary and high school classrooms contain about five *more* students per teacher, according to a recent report from the Partnership for New Jersey, a private group. Nor is Union, a city of 52,000 not far from Newark, filled with success-driven yuppies: only 13 percent of the community's adults graduated from college.

Union achieved its academic successes (high test scores, above-grade reading levels, a 96 percent graduation rate) and low spending ($6,496 per student, less than what 90 percent of New Jersey's school districts lay out) by paying many of its teachers a little more to teach a little more and by keeping a tight rein on the number of non-teaching bureaucrats. The Union school district has only 35 full-time administrators; its high school, for example, has only one administrator for every 272 students (the state average is one administrator to 140 students). The district has eliminated fancy-title positions such as a "crisis intervention specialist" for elementary schools. Many upper-level teachers teach six classes a day instead of the standard five, receiving an additional $2,500 in salary.

The accolades Union has received are making other New Jersey school superintendents worry that they, too, will be expected to do more with less. Albert Burnstein, who heads the Partnership for New Jersey and chairs a state commission on education financing, has suggested to fellow commissioners that they lower the recommended baseline per-pupil spending from $8,200 to $7,000.



In Praise of Parks

New York City's Parks Department regularly feels the scissors when municipal budget cutters look around for programs to snip. Since 1988, the city has cut the department's budget by more than 30 percent, after inflation. Mayor Giuliani's first budget continues the trend, slashing $2.6 million in a parks hiring freeze that aims to eliminate 255 jobs.

City officials often view parks as a luxury, but in a recent survey conducted by the Commonwealth Fund, 62 percent of New Yorkers said parks are as essential a service as police, firefighting, and sanitation. Nearly everyone—96 percent—agreed that parks "are a really important part of growing up in New York City."

New Yorkers are concerned about crime and disorder in the parks. Half of those surveyed said they use parks less often than they used to because they fear random attacks. On the other hand, slightly more than half of survey respondents reported that maintenance of the parks near their own homes was "excellent" or "good."

The Commonwealth Fund survey asked New Yorkers whether they believed the city's spending on parks should be restored to its level of the early 1970s—twice as high in inflation-adjusted terms as it is today. Twenty-six percent said yes, and another 41 percent said the parks budget should be *higher* in real terms than it was during the 1970s. Sixty-five percent of New Yorkers said they would be willing to pay a "small additional voluntary tax" for park maintenance if they could be sure it would be used for that purpose.

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Sex Ed: A New Approach

Enlightened opinion has long held that sex education should be nonjudgmental: teenagers are going to be sexually active anyway, so the only way to make sure they avoid pregnancy and disease is to instruct them about contraceptives. Thus, sophisticated commentators roundly denounced the New York City Board of Education a couple of years ago when it passed a resolution requiring that sex-ed programs stress abstinence. As one of his last acts as governor of New Jersey, Jim Florio vetoed a bill that would have imposed a similar requirement statewide. And Secretary of Health and Human Services Donna Shalala, kicking off a new public service ad campaign for condoms, declared: "Young people need to know that the surest way to prevent AIDS is to refrain from having sex. But we need to be realistic. By age twenty, 86 percent of young men and 77 percent of young women report having had intercourse."

Which leads to two questions. First, if it is unrealistic to think we can persuade teens to abstain from sex, why should we believe we will have better luck exhorting them to use condoms?

Second and more fundamental, is it really true that sexual activity is an unalterable fact of teenage life? There is reason to think not. For one thing, the incidence of teen sex has nearly doubled over the past two decades. According to the Alan Guttmacher Institute, the proportion of 18-year-old girls who reported having had premarital sex rose from about 40 percent to nearly 70 percent from 1970 to 1988. Further, the pregnancy rate among students at New York City's Jewish and Catholic high schools is minuscule.

Public schools, of course, must keep religion out of the classroom. But Jane Gross of the *New York Times* reports that some secular efforts to encourage abstinence have enjoyed considerable success as well. In 1985, Dr. Marion Howard of Atlanta's Grady Memorial Hospital, who teaches sex education in public schools, added a segment to her curriculum that uses assertiveness training and role playing to give youngsters the skills to resist early intercourse.

"For many years afterwards," Gross writes, "this approach was the butt of jokes in the family planning field." But when the program was evaluated, it was found that students who had taken Howard's course were more likely to postpone sex than those who received conventional sex education, and that those who were sexually active reported less-frequent sex and higher condom use than other teen-agers.

In California, 180,000 students are taking courses based on Howard's model as part of a three-year pilot program. "The pendulum is finally swinging," Jacqueline Jackson of the San Diego Urban League, one of 28 community organizations teaching the abstinence curriculum, told the *Times*. "It's been on the other side for so long and led to the destruction of so many young people."

Abusing the System

Some 250,000 alcoholics and drug addicts nationwide are now collecting about $1.4 billion a year in cash benefits under federal Social Security disability programs, according to a recent report based on an investigation by the General Accounting Office and the minority staff of the Senate Special Committee on Aging. For some of these recipients, their only disability is substance abuse.

Two out of three, or 172,000, of the substance abusers receive their grants with no strings attached—they are not required to seek treatment for addiction or have a guardian collect their checks on their behalf. And many of the other 78,000 fail to attend required treatment sessions or have guardians who are themselves substance abusers. The Social Security Administration monitors compliance with treatment requirements in only 18 states, and fewer than half the addicts and alcoholics in those states were actually being monitored, according to the report.

News from the Underground

The New York City Transit Authority's latest quality-of-life effort aims to discourage panhandling by more vigorously enforcing the subway's ban on begging, sending social workers onto trains to connect beggars with social programs, and discouraging riders from giving money to panhandlers.

"Panhandling on the subways is illegal—no matter what you think," say advertisements posted in subway cars. "Give to the charity of your choice, but not on the subway." Whether because of the TA's efforts or a change in the public mood, the message seems to be getting through. "New York used to be a generous place," one beggar told *Newsday* columnist Ellis Henican. "But people just don't give anywhere like they used to. You could probably make as much working at McDonald's."

Meanwhile, reported felonies on the subways fell by 11.2 percent between 1992 and 1993, bringing serious crime to its lowest level since 1979. The number of people arrested for carrying drugs or weapons was up, but the Transit police attribute this trend to a crackdown on turnstile jumpers, who often turn out to be carrying contraband. ■

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WELFARE-TO-WORK: JUST THE FACTS

Jan Rosenberg

Three weeks after taking office, Mayor Rudolph Giuliani signed a contract with America Works, a for-profit company that places welfare recipients in private-sector jobs. In March, the *New York Times* published a critical front-page article about America Works by reporter Esther Fein. How accurate are the criticisms presented in her article?

Before we examine them, some background is in order. As Sol Stern and I reported in the Summer 1993 *City Journal*, America Works has been operating in New York City since 1988 under a contract with the state Department of Social Services. The company has placed 1,122 New Yorkers in jobs with major corporations, paying an average of $9.00 an hour plus full medical benefits. The state contract calls for America Works to find jobs for 250 clients each year, but many more people are trying to get into America Works than it can accommodate under its contract.

An America Works client attends a week-long pre-employment class, then goes out on interviews and, if hired, works at a company for a four-month probationary period. During that time, the employer pays the client's standard wage to America Works, which in turn pays the client at minimum wage and provides counseling services. The client continues to receive welfare for the four-month "supported work" period, though the size of the grant is diminished. America Works is paid $995 when the employee is initially hired. Only if the employee is permanently "rolled over" onto the employer's payroll at the end of the probationary period is America Works paid the bulk of its fee ($3,855) by the state. Three months later, if the worker is still on the job, America Works is paid a final $650.

America Works' most important selling point is that unlike conventional training and education programs, it is performance-based. Its fee structure ensures that America Works has a very strong incentive to get its clients off the welfare rolls permanently. Fein's *Times* article questions whether America Works lives up to this promise. Many of the criticisms she recounts, however, are misleading:

• *America Works gets paid for enrolling clients whether they get jobs or not.* This claim was immediately refuted by officials in each state where the company does business. It is true that America Works' New York contract allows the firm to be paid for "simply" enrolling people in their pre-employment class. But America Works never actually bills the state unless a client is placed in a

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job, according to both CEO Lee Bowes and state welfare officials. John Haley, New York State's contract manager for employment programs, explains that the enrollment-fee provision is standard in state employment contracts, because nonprofit providers said they could not afford to commit resources to recruiting and preparing people for work without "up front" money.

• *America Works "creams," selecting the most employable welfare recipients who would have found jobs on their own.* This seems unlikely, for three reasons. First, the average America Works client has been on welfare and out of the labor force for nearly five years.

Second, if the clients were able to find work on their own, they would have little reason to sit through a week-long pre-employment class, then work for four months at minimum wage ($4.35 an hour) in hopes of being hired permanently. As Sol Stern and I wrote, it is more likely that America Works is successful with those welfare recipients who are willing to work but lack the interpersonal skills, self-confidence, and personal contacts necessary to find jobs.

Third, and perhaps most telling, nearly half of the firm's New York clients are referred after failing to find a job through HRA's BEGIN (Begin Employment Gain Independence Now) program.

• *There has been no full-scale experimental study to prove the worth of America Works' program.* This is true, but several years ago America Works owners Lee Bowes and Peter Cove urged Michael Dowling, the state's commissioner of social services, to undertake such a study—and even offered to split the cost. But Dowling demurred because of the expense. (Dowling says he is now convinced that the state should do comparative research on all of its job training and placement contractors.)

In lieu of a controlled scientific study, America Works commissioned the accounting firm Ernst & Young to examine its outcomes. That study, completed in 1993, found 85 to 90 percent of workers still on the job a year after placement. By comparison, two recent studies of the city's job training and placement contractors, one conducted by the state comptroller and one by the Industrial Areas Foundation, concluded that these programs are so disorganized that a clear evaluation isn't even possible. New York City was unable to provide detailed records of the clients served, the services provided, and the actual outcomes of the programs—the bare essentials needed to assess these programs.

• *It costs too much to place a client through America Works.* Indeed, because the firm is paid from several different, unconnected sources—tax credits, diverted welfare grants, corporate wages for those in supported work, and the fee paid by the government entity with which it contracts—it is difficult to tell precisely how much the service actually costs. But any serious attempt to compare America Works with other training and placement providers will have to examine both costs and outcomes. The firm's waiting lists and satisfied customers suggest it has passed the latter test.

Efforts like America Works are particularly vital in New York City. If President Clinton makes good on his "two years and off" welfare reform promise, cities and states will have to find ways of securing jobs for hundreds of thousands of welfare recipients. Many cities are likely to establish "workfare" programs in which clients do government work. But New York does not really have that option. There are some 125,000 employable adults on AFDC in New York City, according to Richard Nathan, an expert on jobs and poverty at the Rockefeller Institute: "Finding that number of jobs in the public sector would be equivalent to a one-third increase in the city's municipal work force." Substantial numbers of unionized city workers will likely be laid off in the current budget crunch, and any large-scale effort to replace them with welfare recipients is sure to set off a political firestorm. Thus, New York will have to rely largely on the private sector to employ its welfare clients.

There are those in the welfare bureaucracy and the nonprofit sector who, whether for reasons of ideology or self-interest, do not want to see welfare rolls reduced. Few jurisdictions in the nation have been more resistant to welfare reform than New York City. But Giuliani's decision to contract with America Works is a sign that the tide may be turning. ■

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The Other Side of Paradise

Should We Import the European Welfare State?

David Brooks

Francis Demange/Liaison International

The Clinton administration is basing its social welfare policies on the model of western Europe. But the European approach is deeply flawed. It would lead to spiraling costs, economic stagnation, and a weakening of America's can-do spirit.

The Clinton administration is looking to the European welfare states for models it can import to America. When President Clinton traveled to Brussels in January 1994 and described his domestic priorities to the generally dirigiste Eurocrats at the European Commission, they were impressed. Some theorized that American economic thinking was finally growing up. "It's a sign of a mature U.S. approach to worker protection and competitivity," one Eurocrat told reporters after the Clinton meeting.

At least one European-inspired program, the Family and Medical Leave Act, has already been enacted. The administration is expected to propose a large "re-employment system" that could mean enrolling 2.3 million people in a jobs scheme designed to move people from welfare to private-sector employment. Other pro-

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posals include increased employer taxes designed to defray welfare costs, a rising minimum wage, a national youth service program, and, of course, a national health-care system.

I moved to Brussels more than four years ago, also intrigued by the success of the European welfare systems. Plainly, the sort of social problems that plague New York and other American cities are less evident in Europe. But the more I look at these systems, the more obvious it seems that they are rooted in their national cultures. Europe really is quite different from the United States. There is less of a sense of movement; there is no presumption of limitless possibilities. Consequently, there is less chaos and disorder, but also less dynamism. Looking back from across the Atlantic, America's problems and glories seem all of a piece.

The Clinton administration's welfare pronouncements show little appreciation of the cultural settings of welfare programs. Rather, Washington's prevailing attitude is one of technocratic obliviousness. The policy wonk looks at programs as blueprints, at national populations as virgin plots ready to be cultivated according to rationalist plans. This way of seeing looks right through the webs that bind communities and programs together. In truth, to try to import welfare systems of the style and scope found in Europe would be dangerous. Successful results may not be replicated, and American dynamism could be diminished.

The Swiss welfare system is an example of the sort of success that would be impossible in America. The Swiss system is administered locally, with relatively little central bureaucracy. It emphasizes the prevention of poverty as much as support for those in poverty. Aid is temporary, with demands placed on the recipients so that no culture of dependency develops. Members of the immediate and even the extended family are required to support kin who are in need. If a recipient becomes affluent later in life, he can be required to repay the aid he received while in poverty. Knowing they may have to make such payments, many recipients willingly forgo some benefits to which they would be entitled.

But the Swiss system involves an invasion of privacy that most Americans would find unacceptable. Very early in the process, welfare workers can come in and run a recipient's life, even taking charge of child rearing. Intense community pressure is brought to bear on someone who does not conform to social norms. A Swiss citizen can get parts of anybody else's tax return to make sure that person is conducting his finances sensibly so as not to become a future burden on the community. Some Swiss towns publish booklets listing everyone's salary and net worth. Switzerland also strictly limits immigration. Geography, culture, and language conspire to limit movement, making this tightly bonded welfare system possible in a way that is difficult to imagine in the United States.

With notable exceptions, the American "safety net" targets aid to the needy. The European welfare systems provide benefits to all citizens regardless of income.

The Clinton domestic policy is based not so much on the Swiss model as on the German model. In 1992, Clinton spoke of the need for America to emulate "the high-growth economies of Europe." The following year, he boasted that the Germans have an unemployment rate which, he said incorrectly, "is lower than all the other European countries, and yet they have very high mandatory labor costs." And it is in health care, the most comprehensive Clinton initiative, that the admiration for the German model is most noticeable. "We have a lot we can learn from the Germans," President Clinton has said. "The Germans are able to provide a high-quality health-care system at a much lower cost than we are, because they have much more discipline in the way it's organized and financed." The Clinton plan embodies many elements of the German system: mandatory enrollment in a health insurance system, regional health alliances with

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identical benefit standards, and reliance on a payroll tax and on other, hidden taxes.

The Clinton health plan, which would include almost all Americans, also reflects the political calculus that motivates the administration's efforts to replicate European social programs. Many Democratic Party strategists have argued that the way to construct a working Democratic majority is to include the middle class among the beneficiaries of basic federal programs. At present, this is the major distinction between the American and European approaches. With notable exceptions such as Social Security, the American "safety net" model targets aid to the needy. The European systems, although there are important differences between them, almost all consist of universal programs that provide benefits to all citizens regardless of income, through such things as child-care facilities, broadly defined disability payments, monthly family benefits, and nationalized health insurance.

Even social programs that complement European mores would tend to erode important and distinctly American values and institutions.

The European experience demonstrates the perils of a system designed to carry the middle class through life. Such programs, over time, become exceedingly expensive and have severe economic consequences. Moreover, with nearly everyone a beneficiary of the welfare state, any reduction in the size or scope of benefits becomes almost a political impossibility. And the risks are social as well as economic and political. A European-style welfare system could undermine the cherished American values of work and volunteerism.

Europe's Crisis

Ironically, the European welfare states have slipped into crisis just as the Clinton administration has looked to them for guidance. Europe is contending with two large, interrelated problems, both directly attributable to the welfare state. The first is the unsustainable growth of public spending. Total government spending in the nations that make up the Organization for Economic Cooperation and Development (which includes the United States) has risen from 28.1 percent of gross domestic product in 1960 to 43.8 percent of GDP today. The biggest elements in this growth have been the dramatic increases in spending on state pensions, nationalized health care, unemployment benefits, and family support.

The Italian state pension program, before recent reforms, was projected to consume the entire national budget by 2013. In western Germany, social spending has increased by five times after inflation over the past twenty years, with the steepest increases coming in the past five years. Even under the Thatcher government, British social security spending (which includes what Americans would call welfare) rose by an average of 3.7 percent a year in real terms.

Part of the rise is due to demographic patterns, such as the aging of the population. Part is due to political factors: as we shall see, the welfare state is easy to augment but difficult to roll back. And part of the inexorable rise is the result of incentives built into the welfare systems themselves. These incentives have brought about rising unemployment, disability claims, and the like—necessitating even more spending, which worsens the problems further, and so on.

Unemployment is the clearest and least controversial instance of this vicious circle. In Germany, social welfare programs are paid for through employers' and employees' contributions, so rising welfare costs are directly reflected in rising labor costs. Daimler Benz reports that this "second wage"—the social taxes—adds 80 percent to the cost of labor, though Germans often speak of a 50 percent added cost. (In the United States and Japan, by comparison, the second wage adds around 25 percent to labor costs.) With labor so expensive, companies have a disincentive to hire.

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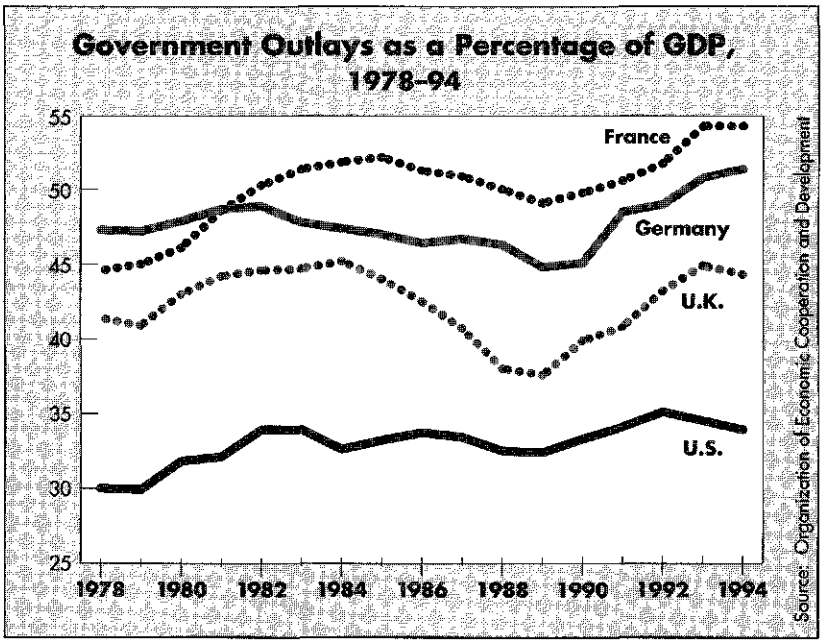

Charts by Annabelle Carter

This added cost—compounded by regulations that make it costly to lay off workers and that mandate a high minimum wage—has had a devastating effect on job creation. European unemployment has been rising steadily over the past three decades, and is now six times higher than in 1960. The rate is more than 12 percent in Italy, France, and Belgium; and above 11 percent in the European Community as a whole. (And these figures don't include many others who are in government training programs and disability programs.) Some countries are simply off the chart. Spain reports a 23 percent unemployment rate (though many work on the black market), and Finland suffers from a 20 percent jobless figure (in part because the dissolution of the Soviet Union decimated its major export market).

Unemployment benefits are generous and sometimes open-ended. In Belgium and Denmark, there is no limit to the duration of unemployment benefits. In Germany, married workers receive up to 63 percent of their former pay for as long as 32 months after losing their job. As a result, the unemployed have little incentive to look for work. About half of Europe's unemployed have been out of work for more than a year, versus only around 6 percent in the United States. It is this combination of high benefits and persistent unemployment, with fewer people working to pay benefits for more, that creates the vicious cycle of spiraling costs.

The Welfare Culture

Europe's second problem is the culture of entitlement that its welfare systems breed. Indeed, my central point is not that the United States shouldn't import European-style programs because they are unsustainable (though they are). My argument is that even if Washington can find programs that work well in Europe, it still should think very hard before trying to implant them in domestic soil. Even systems that complement European mores would tend to erode important and distinctly American values and institutions.

When my wife and I moved to Brussels, we became friendly with a Finnish couple in their late thirties who, at the time of our first meeting, had one child. Very early on in our friendship, perhaps even the day we met, our friends mentioned that they were not married and that the woman had to return to Finland with their child every six months. She was registered as a single parent and had to show residence to collect her benefit. This was an affluent couple, he with a successful career and she on leave from a good job. What was striking was not that they were cheating the system, but that they would mention their ruse so quickly and so casually, with no sense that we might look amiss. The Scandinavian welfare systems have created an image in many minds of the state as great provider, whose benefits are there for the plucking. Nor is this attitude found only in Scandinavia. Try explaining to a British person that he does not have a "free" health care system, that he is merely paying for it indirectly.

This is not to say that Americans are more virtuous or more realistic than Europeans, or that America is better. The point is that each nation has its

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own economic and cultural strengths and weaknesses. By introducing a welfare system with the dimensions of a European system to the United States, we won't necessarily be solving our problems, but we will be adding their problems onto our own.

Consider the American work ethic. Americans work phenomenally hard by global standards. Generous and comprehensive welfare benefits are likely part of the reason Europeans tend to be less industrious. For one thing, Europeans spend a shorter portion of their lives in the labor force. Free or nearly free university education induces many European students to stretch out their studies; the average university graduate in Germany is 29. At the other end, Europeans tend to retire earlier than Americans, in part, it seems, because of more generous state pensions.

The American values of vitality, self-reliance, and independence are at the center of our sense of ourselves: America is a nation for strivers.

Even during the working year, Europeans spend much less time on the job. The work week in Germany is 37.5 hours. American executives who have tried to merge U.S. and German workforces know this is rigorously enforced. Furthermore, the average American takes 30 days off a year, adding up vacation days, public holidays, and sick leave. The average French worker takes 55 days off a year; the average German, 61 days. (The Japanese take an average of 29 days off annually.)

One simply notices a different attitude towards work and leisure in the United States and Europe. It's not necessarily true that Americans are more inclined to define themselves by their jobs, but Americans do seem to take satisfaction in being frantically busy. Thorstein Veblen spoke of the leisure class, but in modern America this has been stood on its head. The highest status goes to the people who are so indispensable that they are constantly on call or in touch. Even European vacation time is more leisurely than American time off; Americans have an amazing ability to turn their leisure into pseudo-work. Americans "work out" in their spare time and play competitive sports far more intensely than Europeans. When visiting Europe, they hit the tourist sights like locusts, taking in six museums and four cathedrals by lunch. Art Buchwald once wrote a column on how to do the Louvre in less than ten minutes (using roller skates).

This American dynamism strikes you in the face anytime you return to the states after an extended stay in Europe. It is the legacy of being a nation of immigrants. I write this article from Belgium, a nation with a 12 percent unemployment rate. Yet you never see the unemployed. They are at home watching TV or in the pubs. In America you would see an army of jobless that size, hustling, protesting, standing on the sidewalks carrying "hire me" signs. The dynamism of American life explains the violence and disorder of the place, and of course the poor and the unemployed face far more deprivations in the United States than in Europe. But the American values of vitality, self-reliance, and independence are the key to the fantastic success of American culture (our second-largest export). They account for America's entrepreneurial success. They are at the center of our sense of ourselves: America is a nation for strivers.

These are, of course, subjective impressions. But by looking specifically at sick-day rates we can get a more objective glimpse at American and European attitudes about work. It seems safe to assume that people in all developed countries are actually sick roughly the same number of days a year. Despite their more generous vacation benefits, Europeans call in sick nearly three times as often as American workers. German and French workers are off sick an average of 19 days a year, according to a McKinsey study. American workers take an average of 7 sick days a year. And the fact that a disproportionate number of European sick days fall on Mondays and Fridays suggests that many of the stricken are not exactly at death's door.

Until recently, Sweden, with the most exten-

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sive welfare state, was the champion of sick leave. The average Swede took 25 sick days a year; total absences for health reasons amounted to 50 days a year on average, including days off to care for sick relatives and days lost by people who retire early for health reasons. Over the past couple of years, though, companies have begun laying employees off in great numbers. The remaining workers reduced the number of days they called in sick. Companies suddenly found they were overstaffed, and more layoffs ensued.

The most famous example of the Europeans using welfare benefits to get off work concerned the Dutch disability system. Dutch workers who went on disability were allowed to receive up to 80 percent of their previous salary. A worker could qualify for the disability program if he could get a doctor to testify that he was suffering from such mental stress that he was sometimes unable to work, or that he had a bad back. By 1990, one in six members of the Dutch labor force was on disability. Many were in fact unemployed but had managed to get into the disability program which offers more generous benefits than unemployment. The Netherlands spends a greater percentage of its GDP on social security—almost a third—than any other European nation, though its government now is embarking on what could be the continent's most far-reaching welfare reform effort.

These perverse work incentives can affect the way a nation perceives the market economy. People can lose sight of the fact that benefits have to be earned by productive labor. They can come to see benefits as being theirs by right, as obligations made by the state. When Americans speak of moral decline, they are talking about family break-up, crime, and the like. When Germans worry about moral decline, they talk about growing spoiled and soft. Chancellor Helmut Kohl has called his nation a "collective leisure park."

Yet Germany is admirable because it hasn't lost the connection between work and benefits. One gets the sense that the Germans will rebalance their welfare system and continue as a great productive nation. But other European nations have not responded to the economic crisis by calling on themselves to work more. Indeed, many French leaders have called on their people to work *less*. The most talked-about economic reform idea in France right now is "job sharing." Workers would cut back their hours by a fifth (with or without some loss of salary, depending on the plan), and then companies would hire additional workers to take up the slack. Denmark has enacted a slightly more clever version of job sharing, called job rotation.

But economies don't grow by having their most productive people work less. At best, job sharing schemes offer a way to spread the pain of cutbacks, if salaries are brought down in line with wages. But the most disturbing aspect of the debate is the way job sharing proponents misunderstand the market. The presumption seems to be that there is a fixed amount of labor that needs to be done and that workers are essentially interchangeable. As modern economies move away from the assembly line, however, they rely more on human experience and imagination. A company cannot just reduce one person's hours and slot another person into the role.

By separating benefits from work, pervasive welfare systems create the impression that jobs and benefits are products of the political system. When French farmers or fishermen feel an economic pinch, they riot. When French students have an economic grievance, they march. When French industrialists feel competitive pressure, they ask for protection. This happens everywhere, of course, but when the government gives in to these demands, people come to regard the market as optional: if competitors undercut your goods, the government can step in and either keep the competitors' goods out or subsidize your own prices.

I believe that Europe's most serious problem is that many people either haven't internalized the rules of economic competition or think it is possible to evade these rules. The overly generous welfare state has played some part in encouraging this delusion.

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Volunteerism in Peril

Another prized American institution that could be endangered by an overly broad welfare system is the buzzing hive of voluntary and charitable institutions, appreciated by America-watchers from de Tocqueville on down.

Across Europe there has been an erosion of voluntary and friendship societies, groups of people who take the initiative to tackle local problems. In Sweden, for example, very few intermediary institutions remain. Churches are a weak force in Sweden. Though intensely religious in the nineteenth century, it is now perhaps the most secular society on earth. There are few private foundations. Local government is more a branch of the national bureaucracy than a distinct local institution. Swedes are less close than people from many other nations to members of their extended families. In a recent survey on attitudes toward the elderly, 35 percent of young Swedes agreed with the statement, "No matter what happens, my parents will have to support themselves or go on social welfare." Only 4 percent of American and 5.4 percent of Japanese agreed with the statement.

Because developed nations are becoming more individualistic, the universal welfare state may soon be at odds with the dominant values not only of America but of the world.

The current Swedish government has tried to institute reforms, including a school choice program. But the organizations that might have started local schools had all been absorbed into the state. The first private schools were started by Muslim fundamentalists, groups that retained their independence only because they were so far outside the Swedish mainstream.

Charitable donations are much higher in the United States than in Europe. In 1991, the mean monthly charitable donation for an American individual was $31.60, according to a study by the United Kingdom's Charities Aid Foundation. In France, which has the lowest rate of charitable giving, the comparable rate was $6.50 a month. In Britain it was $11.35 a month; in Spain, $12.60. (Interestingly, the North American cities with relatively low donation rates are Washington and Ottawa, the national capitals.)

Of course, one reason Americans give more to charity is that the tax code, unlike those of most European countries, gives them an incentive to do so. But these differences in tax policy themselves reflect cultural choices—in favor of voluntary idiosyncratic aid in the American case, and in favor of centralized state provision in the European case.

The Hidebound Welfare State

The politics of European welfare systems make them hard to trim, reform, or even rearrange. Across Europe, and especially in Sweden, Belgium, Italy, Germany, and Britain, political leaders of almost all stripes sense that their welfare systems have become obsolete. Most Europeans are trying to gradually reduce the scope of their systems in hopes of keeping up with a competitive global economy. But their nations are gripped by a sense of being weighted down, of being unable to keep up with the times.

Sweden is the nation that should be furthest along in reforming its welfare state. Swedes have been talking about a welfare crisis for more than a decade now. Once among the wealthiest nations in the world, Sweden is now in the bottom half of the Organization for Economic Cooperation and Development in terms of per capita GDP. The Swedish government, led by Prime Minister Carl Bildt, came into office with a mandate for root-and-branch reform. Anybody who was in Sweden during the early days of the Bildt government remembers the sense of excitement. Everywhere government ministers were talking about vouchers and choice and deregulation.

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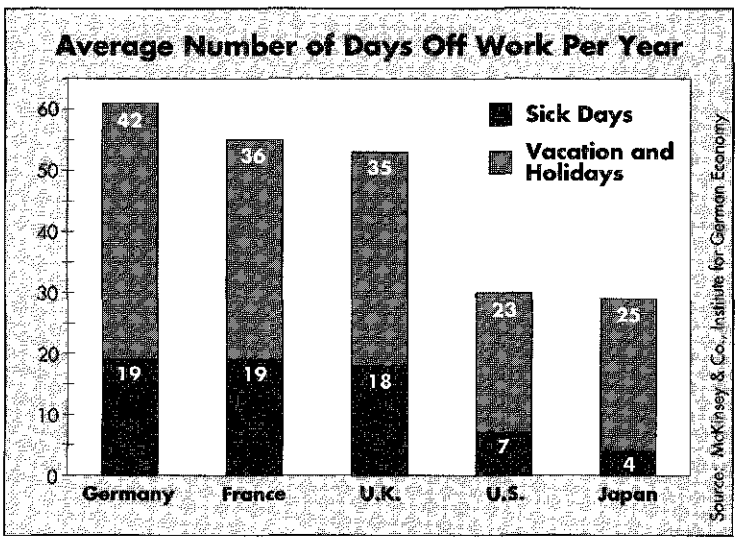

And Swedish society has changed. It is now possible to talk about things that used to be unspeakable. People now realize that there is a distinction between society and the state. But the welfare system itself has been merely trimmed, not fundamentally reformed. Disability benefits have been cut from 100 percent of lost salary to 80 percent. Eighty thousand public-sector jobs have been cut. The retirement age has been lifted from 65 to 67. But the state sector still accounts for roughly 60 percent of Swedish GDP, and spending is so high that taxpayers face a top marginal income tax rate of 50 percent that kicks in at a mere $25,000. On top of that there is a value-added tax of 25 percent.

Reform is now stalled; the status quo has proven too strong. Moreover, it is likely that Bildt's party will lose the next election. The cuts the government did make elicited howls of protest. And attitudes about the welfare state have not changed fundamentally. Most Swedes accept the idea that the system had become too much of a drain on the economy, but they still tend to favor a pervasive welfare state in the name of social justice. They also reject the notion that benefits should be limited to the needy; universal benefits are seen as an important aspect of community cohesion.

While Sweden has enacted only modest reform, other European nations have done even less. Most nations have trimmed expenditures only slightly; Germany, for example, has cut unemployment benefits for people without children by a mere 3 percent. A favorite tactic has been to push through reforms that do not affect current beneficiaries. Britain will raise the retirement age for women, but the reform won't take effect until 2010.

This nibbling around the edges is in contrast to the atmosphere of crisis that surrounds much discussion of the welfare state. Nowhere is this contrast more evident than in Britain. It is hard to open a British newspaper or journal without reading of some bold idea to reform state pensions or the child-support system. This sort of radical thinking is evident not only on the right but also on the left. The Labor Party spokesman on welfare reform is Frank Field, one of the most respected analysts in the country. He recently told his colleagues that it was time to "think the unthinkable." He declared his support for the elimination of the state pension and a switch to compulsory private pensions funded by employers. His party leaders disowned the idea, but they have established a Commission on Social Justice to ask fundamental questions about the welfare state.

The Tory minister in charge of welfare reform, Peter Lilley, is a true radical. But he must keep the image of John Moore, Margaret Thatcher's welfare minister, forever in his mind. Very good-looking and highly intelligent, Moore was touted by some as a future prime minister. But when he tried to reform the welfare state head-on, he received so much opprobrium that he was forced to resign from the government, his political career in ruins.

So Lilley works slyly, and is perpetually voted the least-known member of the British cabinet. So far his main accomplishment has been to budge the debate to the extent that most people now understand that there is a connection between the cost of the welfare system and the relatively poor economic performance of the nation.

There is no chance that Britain will soon under-

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take the fundamental reform that many people believe is necessary. When Lilley's Thatcherite colleagues begin musing in public about fundamental reform, more-senior ministers leap up to reassure the world that the welfare state is sacrosanct.

This is the pattern across Europe. There is a sense of crisis, a feeling that Europe's economy will continue to stagnate until its welfare systems are reformed. But no one has found a way to make the necessary changes politically acceptable. Voters see the unemployment rates, and many of them agree that the problem arises from costly benefit structures and rigid labor regulations, but they seem unwilling to accept change that would diminish their own benefits.

The feeling of gloom that results from this deadlock is palpable, and those with means routinely evade unappealing social welfare programs. The welfare state resists change. Unemployment continues to rise. Budgets are out of control. Frustration breeds contempt for the institutions of government. Protest movements prosper. The major parties have been taking electoral beatings all across the continent. But the new governments of Europe all face the same contradiction: the people are disgusted with the status quo but are unwilling to surrender any of their own benefits.

Transplanted to the United States, a European-style welfare system would generate the same problems. In addition, the development of a centralized, hidebound social system would seriously damage America's image of itself as a fast-changing, modern, youthful nation.

America's Global Values

Pervasive welfare states like those in Europe are simply at odds with American cultural values. Perhaps the greatest irony is that those American values are increasingly becoming global values. In the postindustrial economy, developed nations are becoming more individualistic, more dynamic, more fluid. The values that gave rise to and are reinforced by the universal welfare state may soon be at odds with the dominant cultural values not only of America but of the world.

One day, sitting in a Stockholm hotel room, I turned on the television. There on the screen were programs that I used to watch on Manhattan public-access cable TV. Swedes from Malmo to the Arctic Circle can watch such celebrated New Yorkers as the lady who conducts her meditation show with her eyes rolled back in her head; Robin Byrd, the macramé-wearing stripper; and the astrologer who once opened his show by saying, "You know, earthquakes have horoscopes too!"

In the glory days of the welfare state, Sweden had only two channels. People came to work each morning talking about one channel's programs or the other's. Now there is a plethora of channels offering programming of wide diversity, in both content and quality. That's one aspect of the erosion of cultural uniformity. Lifestyles and earning patterns are becoming more individualized, more diversified, and, frankly, more Americanized. Overprogrammed welfare systems have trouble coping with this sort of unpredictability.

America is blessed with a culture that seems well-suited to a global economy that demands individual initiative and creativity. The U.S. welfare system certainly needs reform, but that reform should take account of the country's unique and vibrant culture. A European-style welfare system would smother the very attributes that are America's best hope. ■

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New Hope for Old Projects

Vince Lane and the Revival of Public Housing

Robert F. Wagner Jr. and
Julia Vitullo-Martin

Vince Lane, the maverick leader of the Chicago Housing Authority, is fighting to reclaim his projects from disorder and decay. But he must overcome a host of well-intended federal regulations that stifle innovation by local public housing leaders.

Among the social programs that interested Bob Wagner, public housing loomed particularly large. His grandfather had been the co-author of the original enabling legislation, the 1937 Wagner-Steagall Act, and he himself was unremitting in support of public housing. Yet when we began work on this article in January 1993, he saw clearly that in many jurisdictions and for far too many tenants, public housing had gone terribly wrong. We decided to focus on Chicago because Vince Lane, chairman of its housing authority, seemed to be what we were calling a "breakaway"—a leader who is willing to push the boundaries that, to others, look permanent.

Bob Wagner died of heart failure on November 15, 1993, while we were in San Antonio working on this article. All of the ideas expressed here are ones we spoke of often and in depth. Were he here editing, however, he would surely rephrase some sentences to be more gentle and some judgments to be less harsh.

—Julia Vitullo-Martin

Vincent Lane, a smelter foreman's son, grew up in a cold-water apartment on the racially segregated south side of Chicago, across the street from Wentworth Gardens, a public housing project. With its well-kept buildings, swimming pools, basketball courts, and pristine lawns, Wentworth was the pride of the neighborhood. Its working-class residents formed a real community, Lane recalls, one in which people watched out for one another. Equally important, they eventually moved on to homeownership, as was intended by those who conceived of public housing during the New Deal.

Today Vince Lane is chairman of the Chicago Housing Authority (CHA), the nation's second-largest authority and, in the view of many experts, the most troubled. The huge, ugly projects he oversees concentrate and somehow enlarge Chicago's most serious social problems. Lane faces tremendous obstacles as he tries to restore public housing to something resembling the Wentworth Gardens of his childhood.

He has implemented some much-praised innovative programs (training and hiring tenants to renovate CHA apartments); he has tried

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drastic solutions to dangerous problems (unannounced police sweeps for illegal tenants, weapons, and drugs); he has proposed controversial untried ideas (starting a boarding school on CHA property); he has reinvented the authority by introducing extreme decentralization (tenant management corporations that have taken operational responsibility away from the central authority); he has even converted once-abandoned lakefront public housing into luxuriously appointed buildings where moderate-income families paying higher rents live alongside conventional public housing families.

"If the Ku Klux Klan had set out to destroy black people, they couldn't have done a better job than this combination of welfare and public housing," Lane says.

Lane has also become a national political figure. He is said to have been Jack Kemp's favorite housing authority head and runner-up, behind former San Antonio mayor Henry Cisneros, to be President Clinton's secretary of housing and urban development. He co-chaired the federal Commission on Severely Distressed Public Housing, whose 1992 report characterizing 6 percent of the nation's 1.4 million public housing units as "severely distressed" spurred Congress to appropriate $700 million specifically for the most distressed housing.

The state of American public housing is grim and getting grimmer. In most big-city projects, average household income is declining. More than 80 percent of nonelderly households now live in poverty, and most households have incomes below 20 percent of the local median. Some two-thirds of nonelderly families in public housing are headed by single women, and 86 percent of these female-headed families with children had incomes below the poverty level in 1991.

The problems Lane faces in Chicago are even more extreme. More than half its public housing falls within the severely distressed category. The CHA's 34,400 households have an average annual income of $3,500. They live in housing that is, physically, among the most notorious in the country. Many projects are overrun by ruthless, well-armed gangs. The gangs are so strong that they have been able to create "tunnels," a phenomenon unique to Chicago. In order to allow for quick escape, gangs dynamite exits through concrete walls, linking apartments that appear normal from the outside, but are blasted hulks inside.

If Lane can succeed in turning things around in Chicago, then surely there is hope for public housing in the rest of the country. Further, many of the obstacles faced by Lane and other innovative public housing leaders are the direct result of laws and regulations imposed by Congress and the Department of Housing and Urban Development. By cutting back on these restrictions, the Federal Government could make it far easier for local housing authorities to make dramatic improvements.

Lane's Challenge

In the 1950s, the heyday of federal public housing construction, most cities clustered a few concrete high-rises in isolated poor neighborhoods. Chicago, however, did things big. It demolished whole neighborhoods and rebuilt them with public housing. The State Street corridor is two miles of little besides public housing projects down the spine of the south side, including some of the country's most often cited examples of bad public housing, the 95-acre Robert Taylor Homes. The State Street corridor has no neighborhood apart from public housing: almost no stores, few businesses, even fewer trees. The projects are isolated demographically as well. More than 91 percent of residents are black; three-fourths of those aged 25 to 54 are female. Less than 10 percent of Chicago's nonelderly adult public housing residents are employed; most households depend on welfare.

When Lane became chairman of the authority in

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1988, he found administrative chaos. In the previous five years, CHA had gone through eight executive directors and five chairmen. This tumult had followed 19 years of deterioration under real estate developer Charles Swibel, often accused of corruption in the Chicago press. Lane discovered the CHA books in shambles. HUD had been unable to conduct an audit for three years and was threatening to take over the authority. CHA wasn't sure how many employees it had; many tenants did not bother to pay rent.

Lane hired outside consultants to put accounts in order, establishing payment and procurement systems where none had existed. He reorganized the staff, firing hundreds of people and redeploying hundreds more. He restructured CHA debts, particularly to vendors and contractors, negotiating many fees downward and extending payment schedules.

In rescuing the CHA, Lane drew on his background as a successful businessman. He is president of American Community Housing Associates, one of the largest black-owned real estate firms in the country. But he says that in his twenty years as a businessman, he had never seen anything like the deteriorated housing stock he now oversaw for the CHA.

Most public housing in big cities has been very badly maintained. While its original construction was largely financed by the Federal Government, localities were to pay for maintenance with rent money. Chicago was one of many that chose to barely maintain public housing. Part of the problem was the corruption and incompetence of the CHA, which was put into receivership by HUD in the 1970s. Part was racial politics. The projects were nearly all black, while those who provided services to the projects were white. "No matter what the emergency was, we couldn't get it fixed at night," recalls Richard Wade, a former member of the CHA's board of commissioners and now a distinguished professor of urban history at the City University of New York's Graduate Center. "The unions—electrical and plumbers—were all white. They wouldn't go into the projects after hours—ever."

As the projects declined, they went through the familiar cycle: deterioration in the buildings led to high vacancies, which in turn led to squatters and drug dealers replacing regular tenants. Conditions worsened even further, working families left, apartments were abandoned, and the cycle continued. "If you don't fix the units, they'll be turned down even by tenants on waiting lists, leaving the dilapidated units for the most desperate applicants," says Lane. "We

David Walberg

Vince Lane: "We need more working people in public housing."

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don't want the most desperate applicants filling a building." Many projects became so unsafe that CHA officials were reluctant to enter them and workers frequently did not show up for their jobs.

Many cities have simply given up on high-rise projects. St. Louis, Newark, and others have demolished many elevator buildings, vowing to build only low-rise in the future. But Chicago is stuck with the public housing it has. In 1987, Congress outlawed demolition without one-for-one replacement. "Where would the current tenants go?" Lane asks. "We have to build the replacement housing first, and that's going to take years. So we have to rehab what we've got, even if we don't like it."

Chicago is stuck with the public housing it has. In 1987, Congress outlawed demolition without one-for-one replacement, which would take years.

Dual Solution

Lane speaks bluntly about the need to rehabilitate public housing socially as well as physically. "Our buildings have become warehouses for the poor," he says. "If the Ku Klux Klan had set out to destroy black people, they couldn't have done a better, more systematic job of it than this combination we have of welfare and public housing. We need more working people in public housing. We need the right role models to compete with the gangs and drug dealers."

Lane put two of his problems together, using one to help solve the other. He saw in the need for building maintenance an opportunity to create jobs for his tenants. The CHA uses a large number of outside contractors; Lane rewards them for training and hiring residents and has them compete not only against one another but also against teams of in-house contractors.

Among the outside contractors is The Woodlawn Organization (TWO), which during the 1960s was one of Saul Alinsky's most successful black-run community organizations. Lane comes out of TWO and believes in Alinsky's grassroots principles, including the Iron Rule: "Never do for others what they can do for themselves." This rule pervades Lane's management style and provides the philosophical foundation of the Step Up program, which trains and employs public housing residents to renovate apartments.

This is not renovation in the sense of restoring something of high quality to its former beauty—these units have never been anything but ugly. The dreariness of the basic apartment unit is hard to envision for anyone who has never seen one. There are no closets, just indentations. No doors between rooms. Concrete and cinder block everywhere in the apartment so that it looks like the basement of a badly designed school. Sheet-metal kitchen cabinets. Low ceilings. Bad light. The apartments are desolate. Yet Lane's trainees are restoring them as carefully as if they were nineteenth-century brownstones. "We're going to make this baby look as good as it can look," says one.

Lane's belief that work is crucial to establishing order and community in his projects is consistent with the intentions of the Public Housing Act of 1937 (also known as the Wagner-Steagall Act), which established federal funding for housing the working poor. "The important distinction in our society isn't between rich and poor," Lane says. "It's between the working and the nonworking, between the productive and the nonproductive. We want productive people in our housing projects. Poor's not the problem. That's fine. Nonproductive is the problem. That's not fine."

The most direct threat to the sense of community Lane remembers from his youth is the pervasive violence that has resulted in part from the proliferation of illegal drugs. Lane thought that only a dramatic, even stunning, show of force would have any effect against the drug dealers who had taken over

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many of the apartments in his projects. The result was perhaps his most controversial initiative, known as Operation Clean Sweep.

Fighting Crime

During a sweep, some two hundred people—housing inspectors, lawyers, police, security guards, and construction workers—converge on a single building, unannounced, early in the morning. They search every apartment systematically for drugs and guns (the lease prohibits firearms) and for squatters. They issue identification cards to paying tenants and remove any others. They install a new 24-hour security system, including gates around the building limiting access to one entrance. The building is from then on guarded by CHA police officers and security guards. (Both jobs are open to tenants.)

The American Civil Liberties Union sued in 1991, arguing that tenants' and visitors' constitutional rights had been violated by warrantless searches and detention without cause. In 1992, the ACLU again sued, charging that the CHA had imposed unreasonable restrictions on visitors when it prohibited overnight stays by anyone not on the lease.

CHA lawyers entered into a settlement in which they agreed to stop the sweeps. But after two people were killed in separate shootings, Lane reinstituted the sweeps. When we asked him about the consent decree, he simply shrugged. "Lane is not beholden to the old liberal constituencies," says one legal aid lawyer. "What does he care about the ACLU?" We asked a CHA official if the authority was worried about the litigation. "Oh, we take litigation seriously, but not because we think these court cases reflect the views of our tenants. When our tenants have a complaint, they're far more likely to go to their alderman than call legal aid. And when they do, we hear from that alderman."

Bill Wilen, an attorney with the Legal Assistance Foundation of Chicago, which has litigated against the CHA on behalf of tenants, criticizes Lane for insensitivity to civil liberties. "In his zeal to reform the agency he has shown a serious disregard for the rights of tenants," Wilen says. "In Operation Clean Sweep, it's just: come in, look around, no probable cause." Also among Lane's critics is the National Rifle Association, which threatened to sue over the CHA's ban on firearms. "It's crazy for them to be a proponent of the continuing slaughter of young black males in these communities," Lane told the *Chicago Tribune*.

But Lane has won support from the *Chicago Defender*, a black newspaper, which praised the sweeps and Lane's defiance, reporting that tenants in the 15 targeted projects supported the measures. (In Alex Kotlowitz's book on two boys growing up in the Henry Horner projects on the West Side, the 11-year-old told his mother he hoped Lane would sweep their building. "I worry about dying," he said. "Dying at a young age, while you're little. I'll be thinking about I want to get out of the 'jects. It ain't no joke when you die.")

Wilen, too, credits Lane with being "the most innovative, the most dedicated, the most professional chairman the CHA has had in years." But he says Lane should not have abandoned the settlement of the ACLU case, despite the shootings that prompted his action. "It's at critical times that the rights of the people are most important," Wilen says. "If you can get rid of rights when things are hard, what good are they?"

Everybody agrees, in any case, that the goal is safe and decent housing. Lane has resorted to desperate measures in response to desperate circumstances. But even longtime CHA antagonists are willing to listen to Lane's proposals. "An important question is effectiveness," says attorney Alexander Polikoff, probably the most successful litigator against the authority. "We've got to adhere to the Constitution, but if he could demonstrate that these measures were effective, that they were making the buildings safe, we might find ways—including large-scale consent—of approving the sweeps."

Federal Roadblocks

One of the biggest obstacles facing Lane and other innovative public housing leaders is the web of fed-

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eral regulations that constrain their efforts to change the way their projects are operated. Among other things, these regulations make it very difficult to achieve the socioeconomic integration for which Lane is aiming. He took the first step toward increasing the proportion of working families on his own, initially with neither money nor agreement from HUD, by initiating his employment program. But to make further progress, he must change the rent structure.

Legislation known as the Brooke Amendment, which was intended to keep public housing rents from rising too high for the poorest tenants to afford, requires tenants to pay 30 percent of their income as rent. This creates two perverse incentives: tenants on welfare are discouraged from working, since they would automatically forfeit 30 percent of their wages; tenants who do work have every reason to move out as their earnings increase and their rents rise to above-market rates.

This dynamic makes it very difficult for local authority officials to encourage those on welfare to

Remembering Robert Wagner

During his twenty years of public life, there was no one like Bob Wagner. Like his father and grandfather, he took an active role in the political life of New York City, and like them, he was more interested in the nuts and bolts of public policy than in patronage or political power.

Bob started down the political road in 1973, when he was elected councilman-at-large from Manhattan. Four years later he gave up his seat to run unsuccessfully for borough president, a position his father had held. That was Bob's last campaign for elective office, but he soon began a distinguished career as a government administrator.

Mayor Ed Koch brought Bob into his administration in 1978, as chairman of the City Planning Commission. In 1979, Koch named Bob his deputy mayor for policy. From 1986 to 1990, he served as president of the Board of Education. Bob earned a reputation as a man of impeccable judgment, a thoughtful, deliberative public official who focused on how to make government work. He was a self-effacing man, a political insider whose deep knowledge of public policy made him one of the most trusted advisors to the city's political leaders, including candidate and Mayor-elect Rudolph Giuliani.

After leaving government in 1990, Bob worked on a variety of projects, including the book *The Future of Cities*, which his collaborator, Julia Vitullo-Martin, is completing. In his final years, he found the Manhattan Institute an increasingly useful venue for exploring ideas about urban public policy; as one of his last public appearances, he chaired a forum sponsored by the institute to discuss the quality of life in New York.

The Manhattan Institute will miss Bob Wagner, as will everyone who cared about the future of New York. The work he was doing was so important to all of us, and there is no one with his unusual talents and values who can fill the vacuum that he has left.

—Edward Costikyan

Vic DeLucia

Robert F. Wagner Jr.
1944–1993

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work and, once working, to stay in public housing. In Omaha, housing officials have created a resident-owned company that manufactures windows and doors. The work has been so good that the company now sells to other authorities. But as the tenants' incomes increase, HUD regulations threaten to drive them from the projects. An early attempt at encouraging public housing tenants to work was tried by Wade in Chicago: "We got U.S. Steel to agree to hire some strong young men from the projects. The men did very well. But they were working so their incomes went up. The regional office ordered us to evict them." (Did the authority comply? "No, of course not. They were our best tenants.")

Under former secretary Jack Kemp, HUD recognized the problem and agreed to let some authorities set three-year rent ceilings. Rents for working tenants would be fixed for three years, much like a private lease. Lane wants permanent rent ceilings, so that working tenants could "become permanent members of the community."

The unusual experience of New York City points to other ways in which HUD discourages income-mixing in housing projects. The New York City Housing Authority (NYCHA) has long used a unique three-tiered system—one-third welfare, one-third working households, one-third elderly—that allowed it to maintain a balance in the number of very poor households it admitted while encouraging working households to stay. As a result, more than 72 percent of nonelderly public housing tenants in New York are employed, versus less than 10 percent in Chicago and 36 percent in Boston. The NYCHA has thereby achieved a degree of social stability that sets it apart from all other big-city public housing authorities.

But the Federal Government has, particularly in the past few years, pushed New York in another direction. Urged on by advocacy groups, HUD has pressed local authorities to give priority in filling vacancies to the very poor, including homeless families. Under Mayor Edward Koch, New York started to give in. In the mid-1980s, the Federal Government said it would stop paying half the cost of housing homeless families in hotels unless the city moved them into public housing ahead of other poor families. In 1988, the Housing Authority concluded a four-year agreement with the Koch administration to put two thousand homeless families a year at the head of the twenty-year-long waiting list. Some in the Koch administration, including deputy mayor Robert F. Wagner Jr. (one of the authors of this article), argued against this policy. Wagner was sympathetic to the plight of homeless families, but he believed it was unfair to help them at the expense of those on the Housing Authority's waiting list, who are also poor and often live in unacceptable conditions. Wagner also correctly doubted whether the city would provide homeless families with the social services they needed to make the transition to permanent housing.

Today, some 8,000 of New York's 180,000 apartments are vacated each year, with more than half the vacancies going to homeless families under the HUD directive. As buildings became more troubled, Sally Hernandez-Piñero, former mayor David Dinkins's Housing Authority chairman, instituted rigorous screening procedures to check for criminal records, rent payment, and previous behavior in shelters. Still, the relentlessly increasing numbers of formerly homeless households mean that the NYCHA's projects will inevitably become, as Lane puts it, "more economically isolated." Ironically, as the Chicago Housing Authority, under Lane's direction, endeavors to become more like the NYCHA, New York's public housing will look more like projects in Chicago and the rest of the country.

Lane, however, may succeed in having it both ways. On February 15, 1994, he announced a plan by which he intends to convert a thousand Section 8 housing vouchers to develop supportive housing for homeless families. Under the plan, six Chicago developers will provide housing along with social services such as education, employment training, and child care. Lane says it is the first time federal housing vouchers have been used in this way.

Although helping the homeless is Secretary Cisneros's top priority, racial integration ranks nearly as high. While mayor of San Antonio, Cisneros laid out his rationale: "We have the opportunity here to

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create Hispanics who have developed the American virtues of hard work, discipline, and decisiveness while retaining their traditional values of the extended family, deep religious faith, and that innate sense of compassion which makes politics creative. There is also the opportunity here for developing a new breed of Anglos who take on the Hispanic qualities of tolerance, compassion, and appreciation for human relations." As HUD secretary, he has fought to integrate racially segregated projects, particularly in Texas. Says Lane: "Racial integration? That's just fine. It's OK, if they want to do it. Of course, I'm not waiting for it. This system—Chicago's system—is never going to be racially integrated. I'm more interested in economic integration."

A housing authority should not have to go into receivership to be granted the flexibility to reinvent itself. It should have this freedom under normal circumstances as well.

But even if Cisneros made economic integration his top priority, he would have to battle a bureaucracy that is often hostile to the goal. "When you move below the secretary's level and down through the ranks, you'll find that HUD is unwilling to clear away the regulatory debris," says David Gilmore, executive director of the Seattle Housing Authority. HUD regulations, for example, require buildings to be designed to low standards. "This limits our ability to do construction with the amenities you need to attract working families," Gilmore says. "The bureaucrats at HUD hold dearly to the concept . . . because they don't believe the poor are worthy of the same design standards as the rest of us."

Blocking New Construction

While the Federal Government has frustrated efforts at socioeconomic integration of public housing, it has attempted to reduce the extent to which public housing projects themselves are segregated within poor neighborhoods. In 1979, HUD forbade building more housing in what it called "impacted" areas. This rule, however, has gone seriously awry. Finding new sites in "nonimpacted" areas is never easy and often impossible. New York City has thousands of vacant sites available for housing, but only a few nonimpacted sites. As a result, the New York City Housing Authority is in the process of destroying the Dome, a lovely community center and garden on Manhattan's west side, because it is located on a nonimpacted site. It is doomed precisely because it was built in an integrated neighborhood.

Under current regulations, housing authorities, as in Chicago, are forced to hold on to grossly deteriorated buildings. They simply cannot replace them, since HUD regulations forbid new construction in the same "impacted" neighborhoods, and "nonimpacted"—that is, middle-class—communities are seldom willing to accept public housing. Thus, the Commission on Severely Distressed Housing urged that housing authorities be permitted to construct or rehabilitate replacement units in the same neighborhood that contained the original units.

In Chicago, the problem predated HUD's prohibition against construction in "impacted" areas. In 1969, ACLU attorneys, led by Polikoff, won a ruling in *Gautreaux* v. *Chicago Housing Authority* that enjoined the CHA from building more public housing in black neighborhoods. A federal judge ruled that before any new housing could be built in a black area, seven hundred units had to be built in white neighborhoods. From this eventually came the "three-to-one" rule: three units had to be built in white areas for every one in a black area. "There was no land left in white areas," says Richard Wade. "The ruling effectively killed public housing. We tried to get new housing in the suburbs. We made a lot of

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parks but no housing. Every time we got a site, they declared a park."

The Elderly and the Mentally Ill

Another federally driven dispute involves housing for the elderly, which accounts for 20 to 25 percent of public housing nationwide. In the early 1960s, federal law opened up such housing to disabled tenants; in 1988, federal regulations redefined "disabled" to include the mentally ill. "What no one anticipated was that . . . psychiatric disabilities were the greatest demand," says HUD's Mary Ann Russ. As a result, many jurisdictions, including Milwaukee, Minneapolis, and Seattle, have large numbers of young disabled single males in buildings intended for elderly people. In some Seattle high-rises built for elderly residents, more than half of all tenants are now young people requiring special social services.

Because more than 80 percent of those on Seattle's waiting list are disabled, routine turnovers of apartments will eventually result in many formerly elderly buildings becoming filled with disabled people. In the short run this is not an overwhelming problem for Seattle, which has a "very service-rich environment," according to Gilmore. "Many of our buildings are still functioning well, even though we have a couple that are on the edge of control." Less "service-rich" and more financially strapped cities, however, are already in trouble.

"HUD is reinstitutionalizing the deinstitutionalized mentally ill, but without the services," says Wayne Sherwood, research director of the Council of Large Public Housing Authorities, based in Washington, D.C. Housing for elderly people is now developed, under HUD direction, as one-third true elderly, one-third conventionally disabled, and one-third young mentally disabled. "Who else in the United States of America is required to provide housing for such disparate groups?" Sherwood asks. Says Lane, "The lifestyles just clash here. Elderly people often want quiet, safe buildings. Young people want to have a good time, have their friends over late into the night. Both groups are unhappy. If the priorities emphasize housing the hard-to-house in existing projects, you'll risk making the whole project, and the surrounding neighborhood, fall apart. Why are we doing this? Because HUD tells us we must."

Under great pressure from protesting authorities, Congress said in 1992 that an authority could designate a project as "for elderly only" so long as no one is evicted. Yet HUD has, in practice, allowed no such designation because it has not yet promulgated the governing regulations. Milwaukee's executive director, Ricardo Diaz, intends to go ahead anyway. "Congress gave the secretary of HUD ninety days to respond," he says. "The ninety days are up. We regard this legislation as self-implementing."

The Future

Public housing was born during the Great Depression, a time of despair and hope. In those days, it was seen as young, innovative, forward-thinking; it attracted the country's best architects and designers. Richard Neutra, for example, designed Los Angeles's Channel Heights Project, sited high above the San Pedro Harbor, in 1941. Frank Lloyd Wright designed one of the first and best low-income housing projects in Chicago.

Today, public housing is seen by many as dismal, tired, corrupt. But Vince Lane is one of several energetic, even charismatic, local leaders trying to bring about a renaissance in American public housing. (Richard Gentry in Richmond, Bob Armstrong in Omaha, and Jim Wiley in Washington State's King County are among the others.) They all face a rigid antagonist in the HUD bureaucracy. Almost from its first days, public housing has been subject to excessively detailed and onerous regulations from Washington. Under the original United States Housing Authority, "federal design guidelines proliferated," according to architectural historian Richard Plunz, "becoming more stringent, more abstract, and more rigid in terms of aesthetic imagery." Every aspect of public housing has been dictated from Washington

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for decades. The results, for the most part, were disastrous. Chicago's monstrous projects were no accident. "Those projects were carefully built to federal design standards," Wade says.

HUD regulations bar most innovations from below unless the local authority head, like Lane, simply defies the rules. Yet HUD has been known to recognize the local character of public housing. When Boston's housing authority went into receivership, HUD, cooperating with the court, granted the receiver extraordinary powers to revive the projects, enabling a return to local control. "We gave the Boston receiver a lot of latitude in civil service rules, labor negotiations, actions in reorganizing itself," says HUD assistant secretary Joseph Shuldiner. "Without special powers, a receiver would just wallow around in the same political mess. Turnaround activities themselves require unpopular political actions that a receiver can take. But eventually, the authority has to be back in charge."

Incremental changes will produce no significant reform. Therefore, HUD should throw out all its regulations and then discuss which rules should be restored.

A housing authority should not have to go into receivership in order to be granted the flexibility to reinvent itself. Authorities should have this freedom under normal circumstances as well. It is not enough merely to make modest revisions in HUD regulations or to consign major revisions to the waiver system, in which HUD must grant a special exemption for every innovation. Because HUD can always provide a good reason for every regulation, discussions of incremental changes will produce no significant reform. Thus, HUD should take a more fundamental approach: throw out all regulations (making exceptions for the housing authorities with records of incompetence and corruption) and then discuss which rules should be restored.

Public housing has some things going for it that it didn't have a few years ago. HUD Secretary Cisneros cares about public housing and, in Joe Shuldiner, former general manager of housing authorities in New York City and Los Angeles, has appointed someone with substantial on-the-ground experience. Senator Barbara Mikulski of Maryland, who chairs the Senate Appropriations subcommittee that oversees HUD, is also a champion of public housing. But real reforms will only come at the local level.

Chicago is on its way to pulling itself out of one of the worst housing disasters in history, and Lane has garnered support even from his agency's traditional enemies. "Where would we be today if we had had Lane instead of Charlie Swibel for 19 years?" asks Alexander Polikoff. "A hell of a lot better off. What we had was intransigence on issues of fundamental rights and obeisance to perceived political realities—and those realities forced us down a disastrous path. Vince is trying to confront those realities in a responsible and forward-looking way. He comes from the private sector. He's a developer. He's interested in the incentives of a capitalistic system. So what? Maybe incentives can be turned to advantage in the present context. I think what he's trying to do is good public policy, and I support that." The question is whether the Federal Government will free innovators like Vince Lane from the elaborate web of regulations that have, all too often, proven tragically counterproductive. ■

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Up the Up Staircase

A Place to Unlearn the Lessons of the Street

Kay S. Hymowitz

The Wildcat Academy, a new high school in Manhattan, is a haven for some of the city's most troubled youngsters. It is turning them around through a combination of discipline, affection, and work experience.

Jimmy R.'s story is the kind that numbs many New Yorkers hardened by nightmare statistics of juvenile chaos. He was 15 when his parents died; when he went to live with his 68-year-old aunt, she had these comforting words: "Stay in line or I'm sending you to a home."

A student with a ninety average at Julia Richman High School, Jimmy did what many youngsters might do when dealt a hand so hard: he gave up. His average plunged to forty. He was expelled from the Boys Choir of Harlem. He took up with a bunch of toughs and stopped going to school.

But Jimmy's descent into the netherworld of underclass adolescent life seems to have been reversed. Last fall, he entered New York City's Wildcat Academy, a voluntary, alternative school that dedicates itself to the proposition that many kids like Jimmy (all students' names

Photographs by Bill Kelly

Math teacher Andrew Green with Wildcat students, who learn about the social contract as well as conventional subjects.

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have been changed throughout this article) who have been suspended, truant, or even violent can be straightened out in the environment of this unusual school. It's early on—Wildcat accepted its first students in the fall of 1992—but the school offers a glimpse into some encouraging answers to one of the most pressing social questions today: how to educate our most troubled, impoverished students. At the same time, it raises some disturbing questions—if any more were needed!—about the inadequacies of urban American high schools in dealing with the conditions of childhood today.

Because of Wildcat's small size, the staff knows not only all the students' names but their individual quirks and often soul-bruising histories.

To set foot into Wildcat Academy is to enter a world few would recognize as school. It is located near the Manhattan entrance to the Holland tunnel, encircled by looming, anonymous warehouses. Cars and trucks race by on their way to somewhere else, but no one seems to live or work there. Occupying one floor of one of these ex-warehouses whose history can still be traced in the gauged concrete floors, Wildcat's warren of rooms opens off a large central hallway. There is no gym; in the center is the cafeteria—a large cubicle with some linoleum tables, actually—which sometimes doubles as a classroom and auditorium.

But in these modest surroundings dwells a strong and fresh spirit that cannot be fully captured by conventional educational formulas. Yes, the staff is serious about rules: no hats, beepers, sunglasses, or radios; no leaving the building at any time including lunch. The staircases are alarmed, and a staff of 13 adults for 125 students—six teachers, three case managers, three security guards, and a headmaster—make cutting class just about impossible. Ron Tabano, the headmaster, has been known to verify the supposed train delays of stragglers. Pregnant girls are asked to leave until the birth of their children. Those who disrupt or sleep in class are immediately confronted. And all of this from 9 A.M. until 5 P.M., in many cases for 12 months a year.

Though order reigns, the atmosphere of Wildcat is more communal than institutional. Because of its small size, the staff knows not only all the students' names but their individual quirks and often soul-bruising histories. Case managers insist on meeting with a parent or guardian before accepting a new student. They will also confer with a student's boss, take a cool-down stroll with a student when he is jumpy, and, if necessary, accompany him to a court hearing. When summer comes, students who are not working or visiting relatives are looked after in a combined school-job program. Graduates are not merely sent off with a handshake and a diploma. The school helps find them jobs or provides the support they need to enter college—arranging for SAT exams, visits to campuses, and help in filling out applications.

In short, Wildcat sets out to provide the combination of discipline, guidance, and genuine concern that is missing in so many of these kids' beleaguered lives. Indeed, for most of these students, it's probably safe to say this is a first. A number of them live in group homes presided over by social workers, and many of those who do live with their parents have miserable stories to tell: a 17-year-old boy who is forced to sleep in the apartment hallway during his father's frequent assignations, another whose drug-addicted mother has evidently forgotten she has a child to feed. Sharon Romano, the school's energetic social studies teacher, says she sometimes overhears students' squeals of disbelief as they recount for their friends a case manager's pursuit of their whereabouts.

In this respect, Wildcat couldn't be less like the giant holding pens these students have been forced to call school in the past. Rosy, a swaggering but edgy 16-year-old, says she spent a year at Taft High School in the Bronx, one of the city's most notorious, carousing with her friends in the lunchroom. Didn't anyone notice? She shrugs. Teachers never stopped her from

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Teacher Sharon Romano: "We are trying to make functional people for this society."

sauntering out of a class, and security guards were in on her scam: "They winked at me; sometimes they even might play a quick game of Monte." For other Wildcat kids, the indifference of the adults around them reinforced the anarchy of their neighborhood and home lives. Eventually they were suspended from their previous schools for fighting, threatening teachers, or carrying weapons.

Wildcat's benign surveillance—what one educator has called "a conspiracy of adults"—seems to be working. Two students have signed up to take classes at Manhattan Community College during the spring semester. In 1994, ten kids are expected to graduate; at least two seem headed for college. Even more impressive are the attendance rates, which surpass 88 percent, versus 81 percent at the city's traditional academic high schools and less than 60 percent at the alternative schools housing a population similar to Wildcat's. After initial indifference, Wildcat students have asked for school rings for seniors. Amalia Betanzos, the school's president, embodies its communal spirit as she sweeps through the academy, hugs or tousles the hair of a favored youngster, and is greeted with frequent calls of "Hey, Miss B." "Kids with court records and parole officers haven't gotten into trouble since they started here," she says. "Some of the worst cases care the most about the school."

Betanzos is actually quite a bit more than the school's president; she is part guardian angel, part accountant, part taskmaster. The combination suits a woman whose shrewdness and clear vision undergird a gentle demeanor and warm laugh. Since 1978, she has been president of Wildcat Services Corporation, housed on three other floors at 161 Hudson. Founded in 1972, the nonprofit organization trains, counsels, and finds jobs for long-term welfare mothers, ex-convicts, and addicts. According to several different studies, Wildcat Services places around 70 percent of its clients, and the recidivism of ex-offenders has been unusually low. One of Wildcat Services' graduates, Susannah Gonzalez, a single mother of three, is now the cheerful secretary to the headmaster of the sixth-floor academy. Several mothers of Wildcat Academy students have also been referred to Wildcat Services for training.

A former commissioner of New York City's Youth Services Agency, Betanzos was a Koch appointee to the Board of Education from 1988 to 1990. Carlos Medina and Seymour Fliegel, the East Harlem school reformers who are now senior fellows at the Manhattan Institute's Center for Educational Innovation, visited Wildcat Services and were impressed with its success. They observed that troubled high school students could benefit from the kind of support services Wildcat offered, so they suggested that she form her own school. The idea, as Betanzos later put it in the academy's prospectus, was to "apply everything we have learned about serving the people most in need for over twenty years to young adults who have had tremendous difficulty staying in school. Our expertise in developing effective services for the least employable will now be used to reach youth everyone else has failed to help."

Betanzos's timing was propitious. Then-chancellor Joseph Fernandez was already planning alternative schools for precisely the same students who interested her. He gave the nod, though that didn't make the early days easy. Community District 1 balked, a certificate of occupancy took some finagling, and, despite a contract and a budget of

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$750,000 from the Board of Education, referrals from counselors at the city's worst high schools were so spotty that Wildcat opened with only two students—who the next day, much to their irritation, found their pictures and biographies in *Newsday* under the title A SCHOOL FOR "TROUBLEMAKERS." Though the school was contracted to take 125 students, the first year population never exceeded 87.

At first, kids brought the ways of the mean streets and their previous schools with them, as evidenced by the number of knives found through periodic sweeps with a metal detector. But as the conspiring adults persisted and insisted, cajoled and scolded, their values sank in. Weapons have disappeared. According to Betanzos, now it is often longtime Wildcat students who explain to

Can Wildcat's Success Be Replicated?

There would seem to be five easily identifiable ingredients:

1. Small size. Nothing is more important in establishing the sense of family James Coleman identified as essential. Wildcat's students have come from schools with as many as four thousand children, where anonymity translated into truancy or more destructive behavior. Studies have shown a clear correlation between large schools and violence. A small school offers more personal relationships with peers and, more importantly, with adults. A single floor can be claustrophobic at times, but intimacy born of close contact rather than therapeutic ideology is crucial.

2. A conspiracy of adults. The ratio of pupils to adults should be low enough that kids are never far from teachers, case workers, or guards. As much as possible, parents or guardians should be made partners of the school. The kids must feel that adults are watching out for them during school, during the summer, and upon graduation.

3. Clear discipline, moderated by respect. In large city schools, one finds two equally counterproductive tendencies: first, kids who break small "quality of life" rules are ignored; second, serious troublemakers are loudly and pointedly confronted. The first allows small infractions to add to a general sense of disorder; the second injures the pride of these temperamental adolescents and destroys the chance to gain their trust. A small school allows well-defined expectations of behavior to be established and enforced, but in a subtle way. A hat can be removed with a minimum of fuss, a kid pulled aside quietly and spoken to alone.

4. A combination of jobs and studies. Instead of a teacher preaching to teens the necessity of being prompt, speaking clearly and respectfully, and dressing appropriately, these lessons are dramatized. For many Wildcat students, schoolwork simply has no meaning in and of itself. By both holding down a job and going to school, they learn the basics of the social contract.

5. Autonomy. Unlike centrally controlled schools, where orders come from on high, there is only one set of rules: Wildcat rules. This clarifies and naturalizes discipline. Freedom from bureaucracy also promotes the careful hiring of staff who share the school's vision. And freedom from the system seems to help lift the fog of ideology that often engulfs education. The school can define a clear structure, while keeping relations personal and flexible. —*KSH*

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belligerent newcomers: "That's not the way we do things here."

Enriching Young Lives

Crucial to Betanzos's vision, one she was well-equipped to institute, was an interplay of academic studies and job experience. Any student able and willing is placed in an internship, at sites including the Intrepid Sea-Air-Space Museum, the Coast Guard station at Governor's Island, and several private law firms. Their jobs are varied: painting, electrical and plumbing assistance, word processing, answering phones and filing, groundskeeping, stocking shelves, cashiering, ferry boat maintenance.

The importance of this two-pronged approach is impossible to overstate. In some cases—such as that of John B., who is assisting in the architecture department at Pratt Institute—students' jobs provide an intermediary step to a long-dreamt-of profession. "A lot of kids can't just sit from 9 to 5," says Tabano. "It's very different to be active, to work with your hands." And, he adds, "because they are paid, it keeps them from being tempted to make money on the street by selling drugs."

Working at a job serves an even more basic function, the case managers explain: it renders mainstream life intelligible. For kids who have spent their early years adapting to the style and ethos of the street, where unemployed dropouts rule, this is an essential lesson—one they may not be able to learn in the classroom. "We can tell them certain things till we're blue in the face—about their dress, manners, or language—but until they're asked to put it into practice, it may or it may not sink in," says case manager Wiley Owens. "If you put kids in job sites where they actually see other people dressing and behaving that way, most of them want to fit in."

Success at a job also seems to clarify the purpose and routines of the classroom. It is as if a job brings into focus the lines of the social contract that read, "Work and you will be rewarded," without which education appears nonsensical. Says Owens: "There's a percentage of students who you may not be able to reach through counseling, you may not be able to reach through a school setting, but you send them out to work and they come around. We try to see if a job can change a kid." Jacqueline Martinez, another case worker, describes one angry girl "with a big mouth and always ready to fight" who as a last resort was sent to a clerical job at the Intrepid. In a few months, her behavior at school cooled down.

Wildcat Academy

Wildcat founder Amalia Betanzos: "Some of the worst cases care the most about the school."

Wildcat teachers intuitively grasp that they are tutors in the social contract as much as instructors in a specific subject. "To a certain extent what we're doing here is damage control," Sharon Romano acknowledges. "We are trying to make functional, literate people for this society. I do that through the medium of social studies. But we are not a 'dump' school. We have standards. We stick to our part of the bargain. They have to stick to theirs."

The school's art teacher, Luba Koziolkowsky, doubles as an instructor of Spanish and sometimes English. Koziolkowsky says she was immediately struck by the artistic gifts of many of her students. "I saw they could do it even when they told me they couldn't," she explains intently. "I didn't let them give up. These kids believe everything can be done in 15 minutes. It's not due to a lack of intelligence; they never see anything produced and have no idea what goes into it." Her faith in their gifts proved well-founded: Wildcat recently won first place in a high school art competition at Sotheby's, and two students actually sold their work.

Wildcat teachers have tried to individualize

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instruction as much as possible. Kids work at the school's 13 computers or answer questions on handouts while teachers move from one to another and help them out—an arrangement made essential when many students alternate weeks between a job and school and when they possess such a wide range of academic ability, interest, and experience. Tabano admits that Wildcat, like so many American schools, suffers from an air of academic fragmentation, and he views this as the next major challenge. He has asked several teachers to spend the summer developing a coherent curriculum. The Center for Educational Innovation recently arranged for a visit to the South Bronx's Mohegan School, which uses E.D. Hirsch's Core Knowledge program.

Betanzos is also determined that her students have the sorts of enriching experiences middle-class kids can take for granted. In deference to school hours far longer than their peers must endure, classes from 3:00 to 5:00 are given over to music, art, photography, and drama. A professional actor and a jazz musician come in four times a week. Alfred Laforey, one of the case managers, sometimes plays chess with students during lunch or after school. Despite the lack of a gym, Wildcat has a basketball team, and a track team is planned. Twelve students went on an Outward Bound trip in 1993 and another 12 were scheduled for March 1994. When Betanzos spoke to the Black and Puerto Rican Legislative Caucus in Albany, she took two students with her. Another few traveled to Washington for the National Puerto Rican Convention. When several students asked for a class trip to the Great Adventure Amusement Park, the outing of choice at many schools, she refused: "You can only go someplace educational." Instead of riding the Scream Machine, these startled teenagers found themselves in Philadelphia, visiting Ben Franklin's house and the Liberty Bell. "They loved it," she laughs.

Wildcat's staff, including Alfred Laforey, give students both discipline and affection.

Confronting School Violence

The vexing question of what to do with chronically disruptive students is as old as universal compulsory education. In 1948, the New York City Board of Education began to pull difficult students—the "socially maladjusted" in the terminology of those days—out of their neighborhood schools and collect them into institutions known, for obscure bureaucratic reasons, as "600 Schools." The 600 Schools were not all bad. They were small—class size was kept under 18—and there were quite a few success stories of kids straightening out and going on to college. But conditions were often notoriously jail-like; these were involuntary, de facto segregated institutions for black and Hispanic males staffed largely by teachers on what one veteran has called "punishment tour." The quality of instruc-

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tion was generally poor and punctuated often enough by pummeling and shoving.

The 600 Schools met their first significant legal challenge in the federal Education for All Handicapped Children Act of 1975, requiring school districts to provide suitable instruction for kids with "special needs." A 1977 court order mandating due process for entrants to the schools was the final blow. Out of these changes the current special education system, with its more fine-tuned professional assessment, was born. The catchall label "socially maladjusted" faded away and, with it, the 75 remaining 600 Schools.

School violence evolves out of a general atmosphere of disorder and demoralization. But Wildcat reminds us that schools are themselves social institutions that shape mores.

But discipline problems did not. Administrators were left with three options: suspension, school transfer, or, in a few extreme instances, expulsion. In most cases, a student would be suspended for a few days and then return to the scene of the crime; his unexpected vacation was often worn as a badge of honor. "There's a terrible image problem with the other kids," says Betanzos. "For students who get to go back to the old school, suspension is if anything a prize. And if they were sent to a new school, the first thing a principal would do would be threaten them: 'Get out of line once and you're out.' There was no feeling they were wanted, nothing remedial. It was just part of a vicious cycle."

With school violence increasingly making headlines—in the 1992-93 school year New York City public schools recorded 2,313 "serious incidents"—the pressure is on for new answers. There are three general approaches. The first and most bald is to call in the police. As one of his first directives on taking office, Mayor Rudolph Giuliani proposed "safe school zones" around the city's most dangerous schools. Inside, the halls are already patrolled by the Board of Education's force of three thousand security guards. In addition, the board has installed metal detectors and magnetic door locks whose already high cost now must be supplemented by extra training for the guards who can't yet use them.

Though it's been around for almost a decade, the second approach, conflict resolution, appears to be finding its place in the sun. Conflict resolution entails offering classes in the "communication skill" of "resolving disputes nonviolently." It was recently backed by Jesse Jackson and Chancellor Ramon Cortines at a hearing of the state Commission for the Study of Youth Crime and Violence chaired by Andrew Stein. Conflict resolution has been mandated in all city high schools and strongly recommended to elementary and middle schools. Mediation centers to be staffed by experts are also being considered. According to *Newsday*, the total cost of instituting a complete program would run between $45 million and $60 million.

These approaches, though they differ considerably, both reflect the limits of the bureaucratic thinking out of which they arose, as well as the limits of our current high schools. For starters, both of them can become expensive as layers of experts or high-tech equipment lead to more offices, more programs, more staff. But there is another, more basic flaw in both of these approaches, which the story of Wildcat helps highlight: they attempt to deal with violence without addressing the general climate of school chaos. In a recent article in *American Educator*, Jackson Toby, director of the Institute of Criminological Research at Rutgers University, argues compellingly that gun-toting, knife-wielding students are merely the next step beyond the student who obscenely mouths off to a teacher, who is upping the ante of the student who struts out of class to hang out in the halls as he casually drops gum wrappers on the floor, who in turn follows the lead of the student jiving to the sounds coming from his Walkman as his teacher drones on about cell division.

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In other words, school violence evolves out of a general atmosphere of disorder and demoralization. Without exception, schools with the highest numbers of violent incidents also have high rates of truancy and low academic achievement. Bob Terte, spokesman for the Board of Education, unquestionably speaks the truth when he argues that "kids bring the disarray and problems of their poverty into the schools with them."

Wildcat seems to have lifted the veil off the bureaucratically coded relationship between specialist-experts and their client-students to reveal, very simply, adults and children.

But Wildcat reminds us that schools are not only passive receptors of social problems; they are themselves social institutions that shape mores. In a small, relatively independent school like Wildcat, as in many private schools, those mores can find clear, simple expression in the adults who do the teaching and disciplining. As James Coleman observed in his research on parochial schools, the sense of family that is possible in such small institutions is key.

But in large, centrally organized high schools the moral climate has become increasingly controlled by an external bureaucracy that is, by necessity, essentially legalistic and technocratic. Gerald Grant of the University of Syracuse, who has written with great subtlety about the breakdown of authority in American public high schools, gives the example of a teacher who was verbally abused by a student. When asked why she didn't report him, she answered, "Well, it wouldn't have done any good. . . . I didn't have any witnesses." Implicitly supporting students' rights above any sense of personal responsibility or shared values, the schools, Grant writes, "threaten to become a container for adolescents who receive the ministrations of a greatly enlarged core of specialists in a setting where presumed equals argue about their rights and individuals pursue their moral preferences in whatever direction they please, as long as they do not break the law."

Seen in this light, the addition of police and conflict resolution programs, with their legalistic and managerial presumptions, seems like more of the same old medicine. These approaches have nothing to say about how to nourish a network of binding relations that both engages children's affections and demands their respect. It should be clear to anyone who thinks about it that while giant, soulless laissez-faire institutions may work with kids who come from communities that are still communal and families that are still familial, for today's kids—and to listen to suburban teachers, this includes more than inner-city kids—they are quite simply a disaster. At any rate, talking to Wildcat students about the apathy and disorder of their previous schools leads one to the conclusion that to address only violence in many of the city's worst institutions may be rather like trying to cure a cancer in a patient with advanced dementia. Crime control will not a school make.

It is this stubborn truth that the third approach to school violence—the small academy with individualized instruction and social services—attempts to address. The New York City Board of Education has initiated a program for four borough academies. The first, Fordham Heights Academy in the Bronx, opened in September 1993; the Queens and Manhattan academies will open sometime in 1994.

But Wildcat is in a singular position to make a radical departure from the dying inner-city schools for one reason above all: it functions on the fringes of the bureaucracy. Wildcat operates in a kind of limited partnership with 110 Livingston, which provides most of the funds. Carlos Medina says Wildcat "represents the beginning of the charter school movement in New York City," which he expects will lead to the creation of many more schools that operate independently of typical bureaucratic constraints. With a budget of $525,000, Wildcat costs much the same as other alternative schools, but it operates far more efficiently. "When I need something like computer programs," Betanzos says, "I can get bids and purchase them in one day. When a

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sink breaks, I don't have to fill out forms and wait; I just call a plumber." The effect on the school's morale should be obvious.

The same simple responsiveness can be seen on a personal level. Where a large system regulates and abstracts—or, to put it another way, technologizes—human connection, a small, relatively independent school can bend to the needs of its population. Ron Tabano says that if he went by the book, he could not mandate that his kids attend school until 5 P.M. or during the summer—never mind that that's what they need. Union rules require that teachers have lunch breaks, which they cannot, as Wildcat staff often do, spend with students who need their attention. At Wildcat, teachers' duties are not specialized; they often work up transcripts, organize the library, even clean the floors if a maintenance person calls in sick. By the book, case managers would not be able to require parents or guardians of new students to meet with them—never mind that this draws families into the school, reinforces the "conspiracy of adults," and fleshes out the individuality of students.

Most importantly, Wildcat can handpick its staff—teachers, case managers, and even security guards. The effect of this freedom can be felt vividly on meeting these individuals. Wildcat is filled with people who share a view of both the students and the school's purpose—and who *want* to be there. Simply put, Wildcat has been given the freedom to escape a system and create a cohesive community, precisely what these orphans of the street and the anonymous mega-high school need.

This cohesion is evident in many ways. Case managers originally divided up their work so that each student belonged to one of them. "The kids tried to play us off each other," says Alfred Laforey. "And if one of us was out, they wouldn't talk to another." No more. At first, applicants were interviewed alone; case managers insisted a parent or guardian attend the intake interview, so there would be a clear understanding that their support was needed. At the last parent-teacher conferences, attendance—which for most parents required long subway rides from the far reaches of the city—was an impressive 50 percent.

As a community, Wildcat seems to have lifted the veil off the bureaucratically coded relationship between specialist-experts and their client-students to reveal, very simply, adults and children. Wildcat can disconcert the visitor who is used to thinking of its population in legal or media terms as "youths" or "juveniles"; for teachers like Luba Koziolkowsky they are merely "children." This is a chord struck frequently by the staff, from security guard to president. "One thing outsiders can't see is that these are just kids," Tabano told me around Christmas time. "I know how tough they seem. But these tough guys were jostling to get a turn decorating the tree yesterday. They asked for a tree; it's unlikely many will have one at home."

Affection is palpable. Students are called "sweetie" or "honey," are patted on the head or grabbed teasingly by the arm. Indeed, Betanzos says she wants the school to "coddle" its kids. But one is left with an impression far more complex than this. During my last visit to Wildcat, I asked one somber-looking boy to speak with me. He looked away, slowly shook his head, and said, "You'll only write something bad about us. That's what you all do." Puzzled at first because the reporting on Wildcat has been largely favorable, I then recalled the *Newsday* headline about a "school for troublemakers." "The police think these kids are useless, the city thinks they're useless, their parents think they're useless," says Koziolkowsky. "They know that and it hurts. They are very proud." Every staff member I spoke with insisted on the need to respect this sense of wounded pride—"Never 'dis' a student in front of his friends," Tabano warned—not out of any fear or false notion of equality, but out of a genuine belief that under the tutelage of adults they can trust, most of them will seek an opportunity to reinvent themselves and their futures.

Should this happen it will be because Wildcat is a place where discipline and clear expectations are tempered by personal affection and respect. If this formula sounds vaguely familiar, it should. It is the traditional prescription for child-rearing at its best, one sadly lost in many parts of America today—not least in the large, bureaucratically organized high school. ■

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The ACLU Against the Cities

Challenges to Urban Civility

Charlotte Allen

As cities across the country adopt policies aimed at bringing order to their streets, parks, and other public places, they are facing a formidable obstacle—the ACLU, which is often willing to sacrifice civility in the name of an extreme notion of individual rights.

Bookstore-dotted Dupont Circle is Washington, D.C.'s Greenwich Village: gentrified townhouses, a dense sidewalk life, and jam-packed bars, restaurants, and latte shops for the artsy young and not-so-young. Among the cheapest of the coffee joints is the Chesapeake Bagel Bakery, a neighborhood hangout. Just inside the door is a bulletin board for the backwards-baseball-cap set: "Ride Wanted to NY/NJ"; "Lesbian Couple Seeks Housemate"; "This is a Non-*Cigarette*-Smoking House."

Laid-back ambiance, yes, in all respects but one: the red-letter sign in the Bagel Bakery's window that warns, in language as stern as a cop's roust, "NOTICE TO ALL PANHANDLERS/Be advised that certain types of panhandling are prohibited in the District of Columbia." The notice lists a catalog of restrictions on begging, all part of Washington's new Panhandling Control Act of 1993, which went into effect last June after several years of complaints by Dupont Circle merchants and others about often-obnoxious beggars on the sidewalks. Tourism, after all, is Washington's biggest industry, and it has been falling off sharply of late.

"A lot of the solicitors were getting in people's faces," says Sossi Motamedi, the Bagel Bakery's Iranian-born manager. "You'd have about 10, 15, 20 people hanging around the door. Some of the people would get into arguments with the customers. People would have to walk around them. They didn't want to deal with that, so they'd just go across the street."

"I'm a liberal—that's why I live in D.C.," says Edward Grandis, executive director of the Dupont Circle Merchants and Professionals Association, which lobbied heavily for the ordinance. "But these people [panhandlers] . . . were a real sophisticated group," continues Grandis. "What distinguished them from those who were truly in need was the way they stared at you—they'd try to start a conversation, they'd stand in certain places so you'd have to walk around them, they would walk behind women, they would try to stop you. We were trying to bring about some balance, so you could walk down the street and not be bothered."

The District's new panhandling ordinance reflects a national trend. Across the United States, cities large and small (San Francisco, Seattle, and New York, to name a few), bastions of liberal tolerance and compassion, are finding their benevolence worn thin. This is a genuine turnaround. During the 1980s, Washington and New York experimented with offering street people an unconditional right to shelter, and San Francisco drafted a "bill of rights" for the homeless that essentially instructed police not to hassle them. Now, many of the residents of those cities are wondering

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Illustrations by Monika Kehrer

Proponents of tough new laws to preserve public order defend them as measures to prevent middle-class desertion of today's beleaguered cities.

whether they are doing the homeless a favor by letting them live anywhere they want in public spaces. Threats and harassment of passers-by by beggars are only part of the problem; even more disconcerting has been the transformation of parks, libraries, parking lots, and train and bus stations in many large cities into squalid, crime-infested encampments for transients. In the name of maintaining order and livability in their urban cores, many cities are cracking down.

There is an obstacle, however: the American Civil Liberties Union (ACLU). Founded in 1917 to provide lawyers and legal defenses for radical anarchists, the ACLU has always been controversial. Nonetheless, some of the constitutional causes the ACLU has advanced—freedom of the press, procedural rights for accused criminals, equal protection of the law for racial minorities—have won the organization the respect of centrists and even conservatives. (The organization's Northern California affiliate, for example, provided almost the only public opposition to the internment of Japanese-Americans and the near-confiscation of their property during World War II.) Lately, however, the 250,000-member ACLU has become a leading advocate for those who are "unpopular" not because of their skin color or the views they hold, but because they threaten the quality of life in public places.

The ACLU has always taken an absolutist stance on rights, working to persuade courts to interpret the Constitution in ways that minimize government regulation of personal behavior. That absolutism has led critics to charge that the ACLU exalts an abstract notion of rights that does not square with the concrete reality of contemporary urban life, in which "liberty," as the ACLU defines it, translates into unlimited freedom for predators, drug dealers, bullies, exhibitionists, and public drunks.

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The upshot has been a series of court clashes. In Washington, for example, the ACLU's National Capital Area chapter is waiting for the right case to come along so it can challenge the panhandling restriction on the ground that it violates beggars' First Amendment right to freedom of speech. The ACLU's theory, which courts in several other jurisdictions have already adopted, is that begging isn't just asking for money; it also conveys a political message—government should do more about the plight of the homeless—that deserves constitutional protection.

How persuasive is this argument? Someone with different political inclinations might receive a completely different message: that we ought to be more resolute about confining frightening and potentially dangerous drunks and lunatics. Common sense suggests that unlike an organized charity, the panhandler on the street corner intends to convey no message whatsoever beyond a desire for cash. Even civil libertarians agree that the government has the power to restrict purely "commercial" speech.

Nonetheless, the ACLU and its allies among legal-aid and private lawyers have an outstanding track record in promoting their absolutist stance in the courts. In 1991, a federal judge in San Francisco, ruling in an ACLU-generated lawsuit, struck down a California law stating that anyone who "accosts" someone in a public place to beg or solicit alms is guilty of a misdemeanor. Lawyers for the city argued in vain that the word "accosts" implied unacceptably aggressive behavior that the state was well within its rights to ban. U.S. District Judge William H. Orrick said the statute effectively barred the "needy" from mingling and speaking their minds in the public forum of San Francisco's streets. While a federal appeals court ponders whether Orrick ruled correctly, the ACLU is pursuing a second federal suit to prevent San Francisco authorities from enforcing a little-heeded state law that bans blocking sidewalks and sleeping in parks. The ACLU maintains that those activities, too, are constitutionally protected.

In New York, a federal appeals court last July upheld a lower court ruling striking down a ban against "loitering for the purpose of begging" on the city's streets. The court rejected as "ludicrous" testimony from the New York City Police Department that beggars tended to cluster around banks, bus stops, parking lots, and automated teller machines, blocking the way of pedestrians and hurting neighborhood businesses. While the court did say it might uphold a narrower ban focused on "aggressively" begging, it said that panhandling per se was a form of "communicative activity" that could not be prohibited altogether. The decision was a setback for community policing, which emphasizes the enforcement of "minor" crimes as a means of preventing major crimes.

Proponents of the tough new order-maintenance laws defend them as last-ditch measures to prevent wholesale middle-class desertion of today's beleaguered cities. But the view of civil libertarians is: depopulation happens. "Throughout recorded history, cities have ebbed and flowed," says Michael Hallerud, a lawyer with the San Francisco firm of Pettit and Martin who is handling the California begging case for the ACLU. "Cities are dynamic creatures, like plants or people," says Hallerud, "and they never stay the same."

The people who suffer the most from urban disorder, however, are not the middle class, but those who can't afford to flee to the suburbs. In their everyday lives, the urban poor depend heavily on government-supplied services and amenities, such as public transportation and parks. Moreover, it is their neighborhoods that are liable to be turned into open-air drug markets or places of business for prostitutes. Thus, the working poor have plenty of constitutional rights, thanks to the ACLU and other civil-liberties advocates, but it has become increasingly unsafe and unpleasant for them to venture outdoors to avail themselves of those rights.

To get around civil libertarians' constitutional objections, many localities have carefully crafted their public-order regulations so as not to ban begging and loitering altogether. The Washington panhandling ordinance, using wording that appears to be lifted from the recent New York court decision, forbids only "aggressive" begging. (Provisions in the ordinance define "aggressive" as approaching someone in a way that

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would cause a reasonable person to experience fear, touching the prospective donor without his consent or blocking his way, or continuing the solicitation after the prospect has made a negative response.) The Washington law also prohibits asking for money in exchange for washing someone's windshield or for holding a public parking place (squeegee men and "car jockeys" plague the District's restaurant districts). Nor can panhandlers operate near bus and subway stops or automated teller machines. Violators are subject to a maximum fine of $300, a ninety-day jail term, or both.

Aggressive panhandlers "may frighten you, but why make it a crime because you're a 'fraidy-cat?" asks the ACLU's Arthur Spitzer.

All in all, the District of Columbia ordinance seems a reasonable effort to control threatening behaviors associated with alms-soliciting without banning asking for alms altogether. Reasonable to some, but not to the ACLU. Says Arthur Spitzer, legal director of the National Capital chapter: "The way these people act may frighten you, but why make it a crime because you're a 'fraidy-cat?"

When ACLU representatives testified against the measure before the D.C. City Council last year, they argued that the restrictions would inhibit perfectly normal and desirable activities, making criminals, for example, out of political activists "begging" for signatures on petitions. That is the classic modus operandi of the ACLU: First, denigrate people's natural fear and repulsion when confronted with aggressive or offensive conduct into a purely subjective, even irrational, response to an unusual lifestyle. Then find a way to make restraints against urban pests start to look like restraints against middle-class law abiders. A ban on sleeping in public parks? The ACLU argues that such a prohibition could hinder a Wall Street investment banker from enjoying a lunchtime snooze outdoors. Curfews for young people? Shouldn't parents, not police, be the ones to decide when youngsters go to bed? Deterring open-air drug transactions? Couldn't that also deter the lawyer who wants to hand out business cards on the street? And to those who argue that the police would never arrest anyone engaged in such harmless, though technically illegal, activities, the ACLU cries selective enforcement.

Many would argue that the ACLU lives in a dream world in which every solicitation for alms is an important philosophical statement about homelessness. In fact, the civil libertarians live in an all-too-real world of successful constitutional sophistry. The ACLU paints itself as merely a principled defender of the Bill of Rights, while in reality adding new "rights" to the bill and transforming those that are already there into open-ended protections for the most egregious lack of self-restraint. Whenever someone suggests that a society might have the power to occasionally limit some of those rights in the interest of respecting other people's rights, the ACLU cries fascism.

"It's all driven by the idea of the slippery slope," says Thomas Merrill, a professor of constitutional law at Northwestern University. "There's a very interesting parallel between the ACLU and the NRA [National Rifle Association]. Both organizations, for various complicated reasons, have seen it as advantageous to take the stance that any abridgment of a right will put you on the upper part of the slippery slope. It's like the NRA with the Brady Bill. They argue that if it passes, that means federal marshals will come and take away your guns. It's the same kind of zealot mentality. And of course it helps for fundraising. They have to be constantly a party to live controversies."

The nation's state and federal courts, with a few notable exceptions, have bought into the ACLU's absolutism. In his admiring 1990 history of the organization, *In Defense of American Liberties*, University of Nebraska professor (and ACLU board member) Samuel Walker noted that the ACLU has been involved in more than 80 percent of the Supreme Court's "landmark" decisions setting the parameters of constitutional rights. "The courts—they're very political institutions," says Northwestern's Merrill. "And judges usually don't get direct feedback from voters. Their status comes from their acclaim in academic and

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media circles. And something like freedom of expression—that's a special-interest issue for the media and academics. Judges who vote [the way the ACLU wants] get lionized at law-review banquets."

Starting in the early 1970s, the ACLU has persuaded the Supreme Court to strike down as unconstitutionally vague a number of local vagrancy ordinances that forbade loitering and wandering about aimlessly on sidewalks and in other public areas or refusing to identify oneself when police asked (vague laws violate the Fourteenth Amendment). True, law-enforcement officers sometimes used to apply those laws in a racially discriminatory or otherwise unfair fashion. But the vagrancy prohibitions also functioned as useful tools with which officers on the beat could rid neighborhoods of known petty criminals before they disturbed law-abiding pedestrians, confine drug and alcohol abusers to needle parks and skid rows, and question suspicious characters in neighborhoods whose law-abiding residents the beat cops knew well. In many cities, vagrants and alcoholics arrested under the old anti-loitering laws spent their winters in jail, where they were at least warm and adequately fed.

The nullification of vagrancy laws coincided with another series of ACLU court victories: emptying the mental hospitals of all involuntarily committed patients except those deemed an immediate danger to themselves or to others. True, many of the old public mental institutions were horrifying places, and true, also, that homelessness has more complicated causes than mental illness. Nonetheless, the combination of deinstitutionalization—which vastly increased the homeless population—and the demise of vagrancy enforcement destroyed two social mechanisms, albeit crude ones, that local governments successfully employed for much of this century to maintain safe and relatively pleasant city streets and parks.

Thus, the recent New York phenomenon of Upper West Side "wild man" Larry Hogue, who repeatedly assaulted local residents and destroyed their property but who could not legally be hospitalized for more than a few weeks at a time. Or of Joyce Brown, a star ACLU client of the late 1980s who was diagnosed as schizophrenic (and lived on the streets, where she urinated and defecated in public and shouted obscenities at passersby), but could not be involuntarily committed to Bellevue.

Like New York, San Francisco has a long tradition of latitudinarianism on unusual lifestyles, and, until recently, San Francisco's residents and civic leaders bent over backwards to accommodate the homeless. But Judge Orrick's overturning of the California begging law infuriated many residents of the city who worried that obnoxious panhandlers might drive away tourists, not to mention the middle class. So in November 1992, San Francisco residents voted 55 percent to 45 percent, despite fierce ACLU campaigning, to adopt a municipal ordinance that bars "aggressive" panhandling. (At least seven cities around the country have similar prohibitions, including Atlanta, Dallas, Cincinnati, Seattle, and, of course, Washington, D.C.) The ACLU plans to challenge the San Francisco ordinance as soon as it can find a client.

In addition, the ACLU is challenging San Francisco's recent enforcement of a state law that prohibits "lodging" in public places such as streets, parks, and buildings. The organization is also fighting a measure pending before the city's Board of Supervisors that would ban loitering within 45 feet of automated teller machines, favorite sites for panhandling and also for robberies.

In all these cases, the ACLU has made the same argument—that the law in question criminalizes innocent and harmless behavior. Using similar theories, the ACLU has also successfully challenged a ban on loitering for the purpose of prostitution in Tampa, Florida. The organization persuaded a court that police might use the law to harass minority women hailing their husbands on the street. A proposal to set up roadblocks in Chicago's high-crime areas to hinder drive-by shootings has languished in the City Council since 1992, after the ACLU argued that the roadblocks could infringe privacy rights.

And the ACLU has also blocked efforts to prevent streets from becoming open-air drug markets. In 1990, the organization persuaded a federal court to overturn a carefully drafted 1988 ordinance in Alexandria, Virginia, that forbade standing on street

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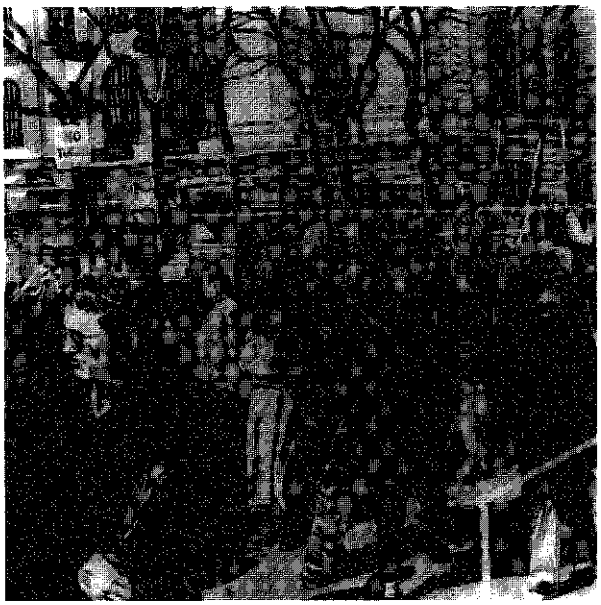

The ACLU tries to find ways to make restraints against urban pests look like restraints against middle-class law abiders.

corners engaging in suspicious-looking conduct that included the exchange of small packets for money. The ACLU said the law could make criminals out of lawyers handing out their cards to clients. Three years later, the city revised the drug-loitering law to require that the police have independent evidence that would lead them to conclude that the transaction actually involved illegal substances, not business cards or packets of herbs. The ACLU did not find the revisions entirely acceptable but did not challenge them either.

Streets are not the only public-order battleground. In recent years, parks, libraries, the lawns around public buildings, and train and bus stations have turned into nighttime or daytime camping grounds for large numbers of vagrants. The squatters interfere with the use of the facilities by their intended patrons. The illegal bivouackers also either overload the restrooms or, if there are none, transform the outdoors into a public latrine. The makeshift encampments are magnets for drug trading, thievery (with other homeless people often the victims), and prostitution, which supports drug habits.

The City of Santa Ana has fought a six-year losing battle against the ACLU of Southern California and a corps of legal-aid lawyers over a tent encampment on the grounds of the Santa Ana Civic Center, a downtown plaza that houses several state and county buildings, including the courthouse. "There is crime, arson, they burnt up a car next to the state building," complains Santa Ana City Attorney Edward Cooper. "There was a shopping cart set afire. There's drug dealing, prostitution, assault. It was not unusual for employees to come to work in the morning and see drops of blood all over the place."

In 1988, Santa Ana police began a series of sweeps to round up the homeless campers and their belongings. Homeless advocates sued, alleging the police had wantonly destroyed campers' property, and the city paid a $50,000 settlement. Another sweep in 1990 resulted in a $400,000 settlement. (Cash settlements are not infrequent in civil-rights suits against local governments. Litigation costs in such matters can be enormous. Many cities also feel intellectually outgunned because the ACLU can rely on pro bono services from top law firms, while the local governments must make do with their own poorly paid and overworked staff attorneys.)

In 1992, Santa Ana passed an ordinance making it illegal to camp anywhere on public land. Several neighboring cities, fearing that evicted Santa Ana vagrants would move into their downtowns, enacted similar ordinances. A state trial-court judge upheld Santa Ana's prohibition, but a higher court issued an order barring its enforcement. The city then tried to enforce the same California law that San Francisco is trying to use, which forbids lodging in public places without permission. Civil-liberties lawyers went to court one more time and won an order barring Santa Ana from using that statute. This past December, Santa Ana took another stab at banning camping, enacting a new prohibition whose language mirrors that of a National Park Service regulation upheld by the Supreme Court in 1984 restricting camping in federally owned parks. The civil-liberties lawyers are challenging this latest ordinance, too.

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"Laws like this amount to effective banishment," says Harry Simon, a local legal-aid lawyer who is fighting some of the court cases along with the ACLU. "They make it a crime to be homeless and to live in the city," Simon complains.

Advocates for the homeless have employed the First Amendment to defend camping out in public places, arguing that sleeping, like begging, could be a form of "symbolic" social protest. That was the argument that a group headed by the late homeless activist Mitch Snyder made to the Supreme Court in a 1984 case challenging the Park Service's camping restrictions. Snyder's group had proposed to spend its nights in a "tent city" in Washington's Lafayette Park, a slice of federally owned property across the street from the White House, as a way of protesting the Reagan administration's neglect of the homeless. Park Service rules allow camping only in designated areas, however, and the Supreme Court decided that the homeless could dramatize their plight in numerous ways other than sleeping in the park.

With the First Amendment out of the question as a vehicle for challenging camping and sleeping restrictions, civil libertarians have cast about for other constitutional grounds on which to mount their legal challenges. The new favorite provision is the right to travel, a right not explicitly mentioned in the Constitution but which has been recognized by the Supreme Court as fundamental. Laws forbidding sleeping in parks would not seem to infringe on the right to travel. Nonetheless, civil libertarians make the argument that for the indigent, the right to travel is meaningless unless the government provides them with a free place to rest at night. Homeless shelters do not figure into the civil-libertarian calculus because homeless advocates maintain there are never enough beds, and besides, many homeless people do not like shelters and refuse to stay in them.

These arguments have enjoyed enormous success in courts across the country. For instance, in 1992, a federal district court in Florida interpreted the right to travel with astonishing broadness, ruling that it encompassed a right to sleep, eat, bathe, and perform other "essential, life-sustaining activities" in parks and other public places.

In Atlanta, the ACLU is trying to blur the line between public and private property in order to protect a different kind of downtown homeless haven: the parking lot. As part of a series of recent laws whose aim seems to be to clean up Atlanta for the 1996 Olympics, the city made it a crime for people to be in the parking lots unless their cars are actually parked there.

The parking lot ordinance would seem unexceptionable. After all, the lots' private owners already have a legal right to bar trespassers. Moreover, parking lots are frequently the scene of muggings and rapes. But the ACLU of Georgia is trying to put together a case that the police are selectively enforcing the parking lot law. "If I take a shortcut through a parking lot, nothing will ever happen," says Teresa Nelson, the chapter's executive director. "But if I happened to be poor and male, I'd be subject to police harassment. It's a stupid law anyway. Why should anyone be arrested for taking a shortcut through a parking lot?"

The ACLU has fought similar battles to secure rights for the homeless to spend their days and nights indoors at public buildings. Rules at New York's Grand Central Terminal and Pennsylvania Station that ban taking baths at drinking fountains, washing one's clothes in the lavatories, and lying on the floor have drawn ACLU protest: they could criminalize college students sprawled out next to their suitcases waiting for trains. And for four years the organization's New Jersey chapter represented Richard Kreimer, an unusually disheveled homeless man who camped out every day inside the public library in Morristown. According to witnesses, Kreimer's body odor was so foul that other patrons could not read while he was there, and women complained about his annoying stares. Finally, in the spring of 1992, the Third U.S. Circuit Court of Appeals in Philadelphia upheld the library's hygiene rules as reasonable, overturning a lower-court decision. Kreimer, meanwhile, had collected more than $200,000 in settlements in his claims against Morristown officials.

The ACLU takes the position that it is impossible to draft a rule of reason for deciding when someone smells bad enough to warrant eviction from a pub-

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lic facility. "The standard would have to be an objective standard," says Norman Siegel, executive director of the ACLU's New York chapter. "If you give unfettered discretion to authorities, they'll use it to harass people they don't like."

So there is now a standoff on public-order issues between the ACLU and a dozen local governments that have been trying to draw a line between compassion for the down-and-out and tolerance of anarchy. In the ACLU's view, those fed-up governments and their citizens simply need a few more lessons in constitutional law and perhaps in the economics of unemployment—and they, too, would see nothing wrong with begging at the bus stop or living in the park. "That's why the ACLU has to do a better job of educating people," says the ACLU's associate legal director Helen Hershkoff.

The ACLU has fought to secure rights for the homeless to spend their days and nights indoors in public places.

But the philosophical cleavage between the ACLU and its opponents runs deeper. In his forthcoming book, *Twilight of Liberty: The Legacy of the ACLU*, longtime ACLU gadfly William A. Donohue describes the organization's concept of liberty and constitutional rights, focusing on a radical personal individualism, as "atomistic." Donohue predicts that the ultimate result of the ACLU's frenzy of litigation against social standards will be centralized government tyranny because of a fatal weakening of mediating community institutions—parks, libraries, and local police departments, among others—that facilitate what Donohue calls a "social" notion of liberty in which responsibilities as well as rights play a role.

At the root of the problem is the ACLU's anarchistic concept of the function of law and authority. Civil libertarians believe that most laws—most external inhibitions on people's ability to do exactly as they please—are in the long run harmful and ought to be struck down unless the government can justify them under the most stringent of criteria.

The more traditional view holds that laws and rules grow organically from a culture's sense of its social order. In all human societies—except perhaps this one—people have considered it their prerogative to regulate themselves, to set legal restraints on behavior based on long-standing customs and deeply ingrained attitudes. Until recently, almost everyone in America, sharing in a common culture, would have found it absurd to suggest that people have a "right" to defecate in the rain gutter or sit at a reading table in a public library smelling so bad that the other patrons flee in revulsion. The ACLU does not exactly intend to dismantle the social order. But its adherence to its ideological agenda has produced a sort of moral blindness. Furthermore, the organization has persuaded a critical mass of judges, legal scholars, and practicing lawyers to go along. Indeed, it may be that our society has arrived at such an advanced degree of moral anarchy—thanks in part to the ACLU and its allies—that courts and even many members of the general public will reject most efforts to restore safety and sanity as heavy-handed.

Meanwhile, though, at least some communities are trying to strike a balance between kindness and tolerance and the maintenance of some rudiments of public order. Whether they or the ACLU and its allies will prevail over the long run is an open question. ■

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Taking Off the Kid Gloves

How to Fix New York's Juvenile Justice System

Rita Kramer

Rates of violent crime are skyrocketing among children under 16. A major reason: New York's juvenile justice system, which does not hold young offenders accountable for even the worst crimes.

A father of six on his way home from work is held up at gunpoint on a city street, tries to resist, and is shot in the head. A little girl is accosted on her way home from school, taken up to the roof of a building in a housing project, and sodomized. A boy questioned after shooting a two-year-old in a playground shrugs and explains: "She was wearing a red hat." In each of these cases, the culprit is 15 years old or younger, has been arrested before, and has been paroled by a juvenile court.

Juvenile violence is the nation's most serious crime problem, the National District Attorneys Association declared at its fall 1993 meeting. The statistics support this view. By 1990, nationwide figures compiled by the FBI showed the highest number of teenagers arrested for violent offenses—homicide, armed robbery, rape, aggravated assault—in the more than 25 years that the agency has been keeping such records. Further, according to FBI figures, 29 percent of those arrested between 1987 and 1992 for the most violent crimes were under 18. A 1992 study by Northeastern University's College of Criminal Justice found that between 1985 and 1991 the number of 17-year-olds arrested for murder increased by 121 percent, the number of 16-year-olds by 158 percent, and the number of 15-year-olds by 217 percent. During the same period, the number of arrests of boys 12 and younger doubled.

The problem is particularly acute in New York City. Nearly one-fourth of all under-16 suspects arrested for robbery nationwide are in the city. The number of juvenile arrest cases heard in the city's Family Court has doubled since 1986; in 1992, more than 90 percent of the 13,000 arrests brought to Family Court were felonies. Twenty years ago the majority of cases heard in Family Court were misdemeanors, and the most common charge was "jostling"—pickpocketing without physical contact. Today, the most common charge is group robbery—which involves violence or the threat of violence. Arrests of juveniles for possession of a loaded gun have increased by two-thirds over the past five years. And during the past two years, felony assault has grown even faster. The crisis of youth violence prompted Governor Mario Cuomo to impanel a Commission for the Study of Youth Crime and Violence and Reform of the Juvenile Justice System, which held its first hearings in January 1994.

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The astounding increase in predatory behavior by the young is related to other forms of social pathology, most notably the breakdown of the family and the increasing number of children born to mothers hardly beyond childhood themselves. These chronic problems must be addressed. But there is an urgent need to control the violence on the streets and in the schools, in the projects and the playgrounds. To understand why the ferocity of crimes committed by the young is increasing even as the age of young criminals is decreasing, it is necessary to understand how the juvenile justice system has evolved over the past century.

How Family Court Evolved

From colonial times until the early nineteenth century, children "convicted of any stubborne or rebellious carriage against their parents or governors" were sent to a house of correction alongside adult criminals. But in the 1820s, New York (followed by Boston and Philadelphia) established institutions with the avowed purpose of rehabilitating children convicted of crimes (usually stealing). The movement to separate children from adult criminals inevitably led, by the turn of the century, to the establishment of special juvenile courts.

The child-savers of the late nineteenth and early twentieth century, who shaped the institutions of juvenile justice, had been schooled in the progressive child development movement. Their views were incorporated into New York State law, which by 1909 explicitly directed the courts to "consider the child not as upon trial for commission of a crime, but as a child in need of care and protection of the state," which was to deal with him "as a wise parent would deal with a wayward child." Of course, juvenile crime in those days was comparatively minor: a typical case would be a boy who stole coal from a railroad yard or copper fixtures from an empty building.

It was assumed that children need not be provided with legal protections like those afforded adults charged with crimes. A 1932 decision explained that "the state was not seeking to punish a malefactor" but rather "to salvage a boy who was in danger of becoming one," and therefore "the proceeding was not a criminal one." By the 1930s, every state in the union had established a juvenile court based on the doctrine of *parens patriae*, whereby the state, in what were civil proceedings, would decide on the needs of the child and protect his best interests.

But in the 1960s this doctrine was swept away. A new generation of reformers argued that without benefit of due process protections, children were being locked away in institutions that failed to care for them at all, let alone as wise parents would. In the landmark 1966 *Kent* v. *U.S.* decision, the U.S. Supreme Court found that "the child receives the worst of both worlds . . . he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children."

The solution was to replace the system based on a social welfare model with a system based on a criminal justice model. *Parens patriae* gave way to due process, the child's needs to his legal rights. It would develop that the needs of a juvenile brought before the law did not always coincide with the assertion of his legal rights—indeed, these goals could be in direct opposition. But before that became apparent, the Supreme Court's *In re Gault* decision (which followed a year after *Kent*) mandated the appointment of legal counsel, known as the juvenile's "law guardian," in every delinquency hearing. It was a provision already included in New York's paradigmatic Family Court Act of 1962, which brought due process and other rules of criminal proceedings into Family Court.

Like so many of the programs of the 1960s, the changes in the juvenile justice system did away with some problems only to create new ones. The criminalization of juvenile court proceedings meant that a youngster's need for discipline, structure, and training would be superseded by his legal right to beat the system with the help of a legal advocate ready to take advantage of any violation of procedural technicalities. Too often, his law guardian's efforts would send him back to the streets without the kind of help

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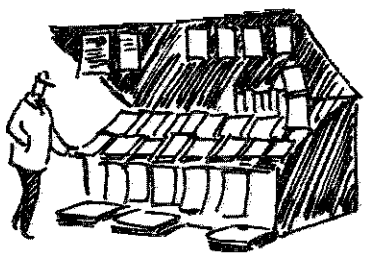
that might have enabled him to turn his life around.

And even though the system afforded a juvenile all the protections normally accorded criminal defendants, it continued to insist that what took place was not a criminal proceeding. The youngster, whatever he had done, was not a defendant on trial for a crime of which he might be convicted; he was a "respondent" in a "hearing" regarding "an act which if committed by an adult would be considered a crime." The outcome would be not a sentence but a "disposition," which might lead not to imprisonment but to "placement." Such euphemisms served to dilute any idea the "respondent" might have gleaned that his behavior was wrong and might entail serious consequences.

And the young offender was to be protected from any stigma that might attach to his youthful indiscretion. His court records were to be sealed; his name would not be made public. The law required the court to order "the least restrictive alternative" in placing a juvenile. In most cases he could expect to be put on probation, but even if disposition should lead to placement, he was facing no more than 18 months—the maximum time allowable for all but the worst offenses—and usually, given the shortage of beds in suitable facilities, considerably less. In sum, the juvenile was afforded all the procedural safeguards of the adult system without the serious sanctions that make those safeguards necessary.



The system established by these changes was designed to deal with the typical delinquent of the 1950s, a boy who was a shoplifter, a petty thief, a burglar at worst; sometimes a truant who got into fights, and who, if armed at all, might have a knife or a zip gun. But as the new system was being created, enormous social changes were under way. The subsequent years saw the evolution of a new kind of young criminal—violent, amoral, a danger to himself and his community. Neither he nor the community would benefit from what went on in Family Court.

Overcrowded court calendars often meant that the youngster who had committed a relatively minor offense would be sent home to try again until he graduated to serious crime. Whether early intervention might have deterred him from further criminal activity no one would have any way of knowing, since no records were available to distinguish first-time offenders from recidivists or to keep track of which interventions worked and which didn't.

When a youngster did go to court, the disposition of a case often would depend not on fact-finding but on technicalities. A teenage boy might have admitted beating up a homeless old man, shooting a storekeeper, or sexually abusing a younger child. But the question before the court was whether his admission could be invalidated because a police officer had neglected to have him properly initial his responses to the Miranda warnings or whether the arresting officer had probable cause to search him for the loaded gun he was found to be carrying.

In 1976, in response to a public outcry over a series of particularly brutal muggings, beatings, and killings by young teenagers, the New York State Legislature passed the Juvenile Justice Reform Act. It had the avowed purpose of adding the protection of the community to the protection the court afforded the "child," by defining certain offenses including murder, kidnapping, rape, arson, and armed robbery as "designated felonies" serious enough to warrant more serious "dispositions" than the statute had allowed. Two years later, the legislature established the category of juvenile offender. A juvenile offender—a teenager who has allegedly killed, raped, robbed with deadly force, or set fires—can be tried in New York Supreme Court like an adult, but will still be sentenced as a juvenile and placed (usually not for long) with other delinquents and juvenile offenders in a secure detention facility run by the state's Division for Youth.

Thus, even with the get-tough reforms of the 1970s, New York's juvenile justice system still affords young offenders the protections of the adult system without its penalties and still fails miserably either to restrain or retrain them. The system is wholly unable

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to cope with the consequence of family disintegration, school deterioration, and the ubiquitousness of drugs and guns—the growing numbers of younger and younger boys committing more and more violent acts against their neighbors.

Portraits of Violence

Robert is five feet eight inches tall and weighs 130 pounds. Those who know Robert describe him, whether with admiration or fear, as "bad." When he was arrested and charged with armed robbery and assault, the case had to be dismissed because no witness would come forward. It's no secret on the streets and in the projects that a 12-year-old like Robert, even if he is found guilty, will probably be back on those streets in less than a year.

Robert's next offense occurred in front of several witnesses from outside his neighborhood. Emerging from a subway station, they saw Robert running down the street, dragging an old woman behind him on the slushy sidewalk. He had tried to snatch her handbag, but its strap remained wound around her arm. By the time Robert was stopped a block away, his victim's head had hit the curb, and she had suffered a concussion, a broken arm, and numerous bruises and lacerations.

Four months later, when Robert appeared in Family Court, his victim was still in the hospital. Since it was Robert's first court appearance, his law guardian persuaded the judge to place him in an open facility until the dispositional hearing that was scheduled to be held some weeks later. Even if the later hearing results in his being sent to a secure locked facility outside the city, he will be out within 18 months. And he'll still be under 16 and therefore, in the eyes of the law, a child.

Fourteen-year-old Daryll decided he didn't want to go to school one Tuesday morning. He met his friends Terry, also 14, and Wayne, 13. "We be messing around," as Daryll later told it, "and Wayne say he know where to get a gun." The three boys took the .22-caliber "Saturday night special," which belonged to Wayne's cousin, up to the roof of the building where Wayne lived, and pretended to shoot at passers-by below. Bored with that game, they walked down the street and into a park, where they confronted a lone man sitting on a bench and demanded money. Their intended victim turned out to be an off-duty transit policeman. He managed to hold on to Terry, who had dropped the gun, until help arrived. Terry eventually led the police to the others, and all three were arrested.

The charge was attempted robbery "in concert" and, in Terry's case, possession of a loaded firearm. But the court had no way of knowing that Terry had been arrested for gun possession before, under a different name. Since juveniles cannot be fingerprinted or photographed (to avoid, as the law puts it, "the possibly stigmatizing effect of a delinquency finding"), a boy under 16 arrested for felony assault or gun possession may continue to appear at every arraignment as a first-time offender.

In keeping with the Family Court Act's requirement of "the least restrictive alternative," Terry was placed in an open-door group home in Brooklyn, which had neither the structure nor the supervision that Terry needed. After one weekend pass spent in the old neighborhood, he failed to come back.

The Division for Youth ostensibly operates on a belief in the power to rehabilitate even violent children. In practice, however, youths are routinely given a second chance—to commit the same crime.

The Family Court's inability to track the records of young offenders also makes it impossible to compile statistics on the effectiveness of various modes of placement and treatment. At present it's anybody's guess what works and what doesn't.

Other deficiencies in the system must be corrected as well. Present law makes no provision for arrest warrants to be served on juveniles in their homes, making it easy for an under-16 offender to elude the authorities. Even if apprehended, a juvenile suspect has a good chance of eluding the court as well. Requests for adjournments, the absence of a lawyer or a witness, crowded dockets—even the failure of the youth himself to appear within a given period—will result in dismissal of the case, even if there has been a

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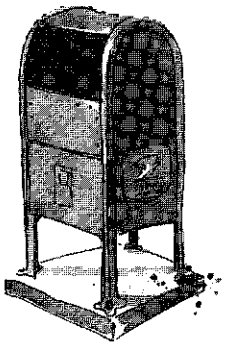
finding of weapons possession, robbery, or assault.

When young criminals are placed, it is neither soon enough nor for long enough to have any meaningful effect on their lives. The New York State Law Enforcement Council predicts that at least three-quarters of the 2,100 youths now in Division for Youth facilities will commit fresh crimes when they are released. Even the most violent know they have little to fear under the present rules, in which the 12-year-old murderer and the 15-year-old mugger face sanctions no more severe than they would for possession of a stolen credit card.

The inadequacies of the juvenile justice system contribute to the growing problem of school violence. Serious incidents of violence rose 16 percent in New York City's schools in 1993, in part because agencies like the Division for Youth routinely return dangerous youngsters from placement facilities to the schools without notice.



By the time a teenage boy has become habitually violent, it's too late to expect that after-school tutoring and recreational programs, counseling, or even psychological treatment can make up for years of emotional trauma and social deprivation. And it is hard to believe that a course in conflict resolution, the fashionable remedy among educators, would make much difference to the most violent youngsters, like the student in the Delaware River town of Walton, New York, who shot his teacher in the face when she told him to stop talking in class.

Early Intervention

What, then, can be done to prevent and respond to violence among the young? Rehabilitation efforts do not seem promising for the most violent teenagers. ("They've never been habilitated in the first place," observes a Family Court officer.) But early intervention seems to offer some hope of helping vulnerable youngsters before they become violent. A study by the Orange County, California, Probation Department points to the need to target such efforts carefully. The seven-year study of thousands of youths in juvenile institutions or on probation found that about 70 percent of first-time offenders were never arrested again, while some 8 percent became chronic offenders responsible for about half of the repeat arrests.

These results are strikingly consistent with the findings of the classic longitudinal studies of delinquency that followed thousands of boys born in the 1940s and 1950s from childhood into adulthood. Criminologists at Northeastern University and the University of Pennsylvania consistently found over the years that as little as 6 or 7 percent of chronic offenders were responsible for more than 70 percent of the most serious offenses. This violent few began their criminal activities at a very young age and went on to become career criminals in adulthood. In the years since these studies were published, youthful offenders have become younger, more numerous, and more violent.

After analyzing the records of the small percentage of chronic violent offenders—an undertaking not possible in New York because of the confidentiality statutes—Orange County officials developed a profile to help them identify potential career criminals at the time of a first arrest. The common characteristics: problems at home (family conflict, parental death, divorce, criminal relatives, child abuse or neglect) and in school (failure, truancy, suspensions, or expulsions), a history of drug or alcohol use, and a history of delinquency (running away, stealing, or gang membership). Identifying youngsters with a pattern of these characteristics makes it possible to focus efforts on potentially dangerous children as young as eight, before they become habitual criminals. And by tracking those efforts, it will be possible to find out what kinds of preventive measures are effective.

Hector is typical of the children the program hopes to reach. At age ten, he has already been in trouble in school because of his conduct as well as his academic failures. His mother, who was 16 when he was born, has a drug problem and cannot control him. His father has been out of the picture since before he was

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born. He has been shunted around to various relatives, but no one wants to keep him for long. He steals money and disappears from school and home for days at a time. No one knows yet whether programs such as those under way in Orange County will prevent boys like Hector from joining the army of neglected and abused youths who slash and shoot their way through society. But the effort is certainly worth a try.

Other early-intervention programs aim to reach troubled children before they ever come before the court. One approach is suggested by a Ford Foundation program officer, who contrasts the experiences of suburban and inner-city youngsters. Middle-class parents typically steer their youngsters past the shoals of adolescence with the help of other caring adults in private, community-based after-school programs. The school band or debating society, Boy Scouts and Girl Scouts, Little League team, dance class, and summer camp all serve to keep 8- to 16-year-olds busy while easing the transition from childhood to adulthood. By contrast, in poor and single-parent families in high-risk communities, many adolescents spend their time on the streets among gang members and drug dealers. Publicly funded recreational programs could help those who haven't yet gotten into trouble, and would cost a fraction of what it would cost to place youngsters in detention facilities later.

Reforming Juvenile Justice

The juvenile justice laws need to be changed in ways that reflect the changed nature of juvenile crime. Neither a gun-toting 14-year-old nor his neighbors are appropriately served by a system that defines him as a child and subjects him to sanctions designed decades ago for boys who got into fistfights. Among law enforcement personnel and the political leaders who have begun to listen to them, a consensus is forming on the changes that have to be made:

- Do away with confidentiality in juvenile court proceedings. Repeat offenders would know their past records will be considered at every court appearance, and officials would be able to conduct follow-up studies of what works and what doesn't before investing in the various detention facilities and rehabilitation programs.
- Once fingerprinting and photographing make it possible to distinguish the first-time offender from the recidivist, intervene where there is the best chance of success—with the youngest, the least violent, the less practiced. "Kids don't start out as murderers," a New York City Corporation Counsel attorney points out. First offenders should be required to make restitution to their victims or perform community service. A second arrest should be followed immediately by stronger measures. For those who require placement away from home, it should include intensive remedial schoolwork and practical job training, and it should last long enough for such efforts to have some chance of taking hold.
- Impose swift and sure sanctions, whether cases are heard in juvenile court or waived to the adult criminal system. A court appearance should follow arrest without delay, preferably on the same day, before the offense has faded into the culprit's vaguely remembered past.
- Establish mandatory sentences for repeat offenders, and require children placed in detention facilities to perform some form of work to help defray the cost of incarceration.

The aim of all such measures is, when possible, to change the behavior of the violence-prone young and, at least, to restore the balance between the rights of violent youngsters and those of the community. With appropriate reforms, some of the criminal young will be chastened sufficiently to learn a skill or trade and become law-abiding citizens. Those who are unable or unwilling to change will be kept out of the community, and their neighbors will be relieved of the fear that pervades so much of urban life today. And an important message will be sent back to the streets: Some behavior puts one outside the bounds of society, and swift, certain, and painful consequences will follow such behavior.

Ultimately, stopping crime by the young may require basic changes in family life and cultural attitudes. But changes in the juvenile justice system could go a long way in controlling the current epidemic of youthful violence. ■

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Innovator in the Heartland

Stephen Goldsmith's Crusade for Reform

Bettie Cadou

Indianapolis is a well-run city, but its mayor thinks it could be run even better. He is taking on the establishment of his own party to pursue an agenda of privatization, decentralization, and good management.

When Stephen Goldsmith was elected mayor of Indianapolis in 1991, he didn't inherit a city in trouble. The Indiana capital is an honors student in the classroom of urban America—its finances are basically sound, taxes aren't nearly as high as in other metropolitan areas, the bond rating is triple-A, the streets are clean, and crime rates are low. But Goldsmith is trying to prove that "you don't have to be on the way to the bottom before you wake up and try to turn it around."

Of course, Indianapolis does have its problems. There are troubled inner-city areas, such as the Clearstream public housing project in southwestern Indianapolis, which in 1991 had some 1,500 calls for police service. There is a flight of residents and businesses to nearby suburban counties where taxes are lower. And there are the waste and inefficiency that seem endemic to government at all levels. These problems may be far less severe than in other U.S. cities, and Goldsmith says Indianapolis could "coast" and continue to be successful for the next five to ten years. "However, if we want to be successful into the next century, we have to change now, when times are good, in order to prevent ourselves from being in trouble down the road."

Goldsmith has balanced deficits he inherited, including a budget that was $20 million out of balance. He has cut the city payroll, enhanced services, invested more than $500 million in rebuilding infrastructure, and taken steps to revitalize neighborhoods—all without raising taxes.

A Republican, he followed another GOP mayor who had spent four terms promoting economic growth and putting Indianapolis on the map as the "amateur sports capital" of the nation. But Goldsmith's populist style has not endeared him to the Republican establishment. "There has been a small group of people who have traditionally been the decision-makers in Indianapolis, some in politics and some in business," Goldsmith says. "These are folks who would use large amounts of my time, and that's impossible for me if I want to stay in touch. There's already insufficient time to spend with folks I want to visit within the neighborhoods." The new mayor's

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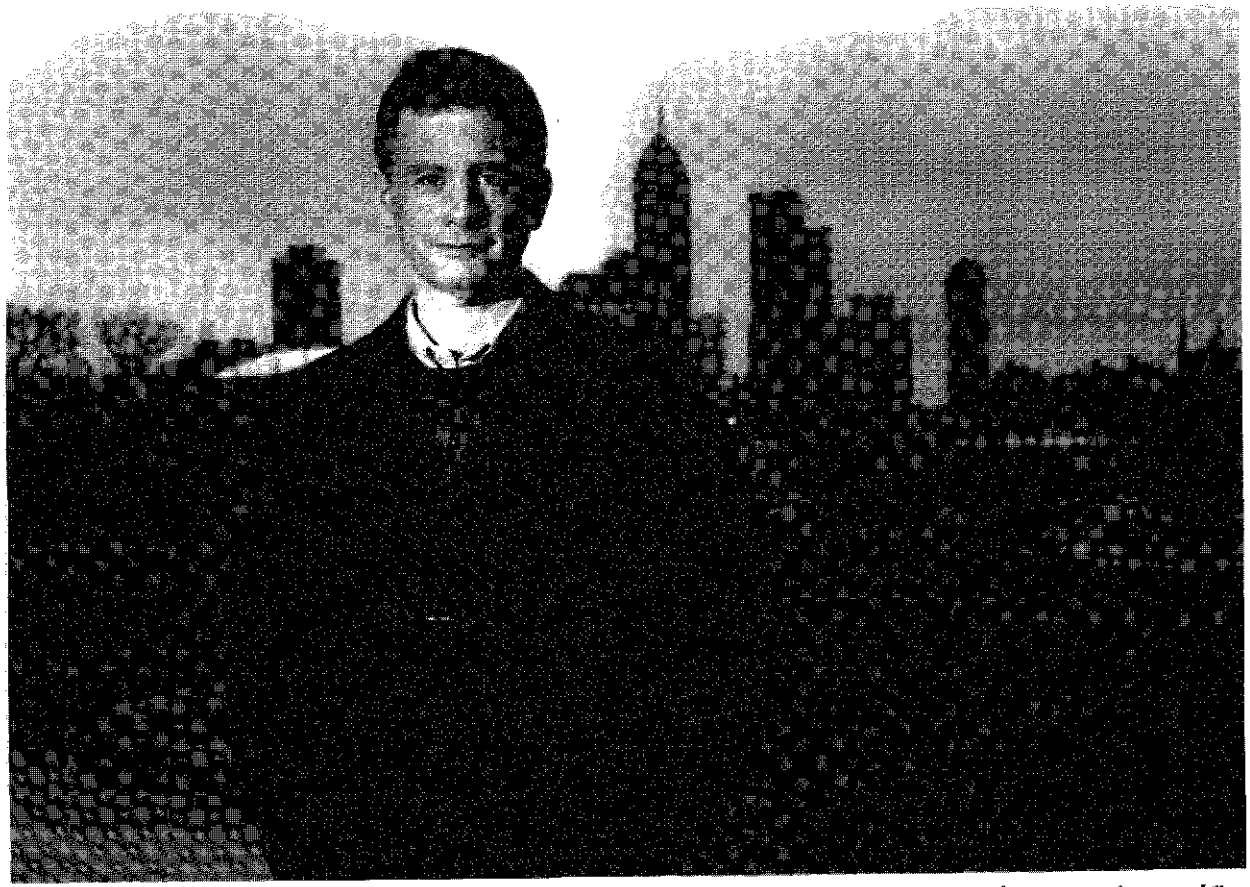

Mary Ann Carter

Mayor Stephen Goldsmith: "You don't have to be on the way to the bottom before you wake up and try to turn it around."

approach has served him well as he has battled governmental inefficiency and worked to revive Indianapolis's most troubled neighborhoods.

Crusading for Efficiency

Goldsmith has applied a no-nonsense management style to identify where money can be saved by privatizing city services, reducing the size of the city payroll, measuring productivity, and eliminating waste.

Early in his term, he began asking questions: How much does it cost to collect garbage? How might it be done more efficiently? No one seemed to know. The managers and supervisors had four-color financial brochures but no information on the cost of doing city business. So Goldsmith hopped onto a garbage truck in order to see for himself. "I learned more in a half hour on the back of a garbage truck than reading volumes of reports and listening to managers blithering about their operation," he says.

City employees began to adopt Goldsmith's commonsense approach. One worker discovered a garbage truck that broke down so often and was so expensive to repair that it was costing the city $39 a mile to operate. "Taxpayers could have hired limousines to carry away their garbage," Goldsmith said, awarding the employee the first in a series of "Golden Garbage" awards for identifying waste.

Many examples of waste are small. Take window washing. City crews had washed the windows of municipal buildings three times a year—no more, no less, whether they needed it or not. Now, a private company washes the windows only when they're dirty.

City bureaucracy also costs the private sector money. Paul Veyer, an artist who owns a small graphic design shop downtown, decided to replace his twenty-year-old storefront awning. The materials cost about $150, and he figured he could do the job in a day or so. But by the time he had obtained five different required permits, hired an attorney, and

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submitted two plans to a passel of officials, six weeks had passed and his wallet was $1,000 lighter.

To help cut costs and weed out inefficiency, Goldsmith, created a panel called SELTIC—the Service, Efficiency, and Lower Taxes for Indianapolis Commission. Headed by former Reagan aide Mitchell E. Daniels Jr., an Eli Lilly & Co. vice president, the group consists of ten local business leaders and entrepreneurs as well as 150 volunteers.

Although SELTIC has no formal authority, Goldsmith has consistently followed its advice to open city services to private competition and to sell off city assets. Among its recommendations:

- Private management of the city's two advanced wastewater treatment plants, a move that officials expect to save $65 million during the next five years. "This represents not only a massive victory for taxpayers, but catapults Indianapolis into national, and even international, leadership in the trend to reinvent government," says Daniels.
- Competitive bidding among city crews and private haulers for trash pickup, which will save an estimated $15 million over five years.
- Privatization of sewer billing through a contract with the Indianapolis Water Company, to save an estimated $1.8 million a year.
- Elimination of full-service car washes for police and other public safety vehicles, saving about $10,000 a month.

SELTIC also persuaded the Asbestos Abatement Commission to abandon proposed regulations that would have made Indianapolis's asbestos standards more stringent than required by the state and federal governments. This is expected to save the municipal government and local businesses between $16 million and $50 million a year.

One SELTIC proposal that wasn't adopted was private management of two public housing communities. Goldsmith says the idea met with resistance from residents.

Goldsmith calls SELTIC's efforts "the most comprehensive competition and competitiveness effort of any major city or maybe any governmental entity in the United States." But he is not ideologically committed to privatization per se. "I prefer the term marketization," he says. "Everywhere that we can create a true market, we are trying to do so, both internally and externally with respect to government." Thus, private companies compete with city departments to provide services most cheaply and efficiently.

Goldsmith is not without critics. His predecessor, William Hudnut, charges that the emphasis on bottom-line efficiency might be cutting crucial government services, and members of the Democratic minority on the City-County Council complain that SELTIC has usurped the council's advisory role in some decisions.

Then, too, there are the thousand or so city workers who no longer have jobs. When the privatization of the city's sewage plants threatened more job losses, local leaders of the Urban League and the NAACP protested that 28 percent of the jobs at stake in the municipal treatment plants were held by minorities. The American Federation of State, County, and Municipal Employees went to court, arguing unsuccessfully that its employees weren't given a chance to bid on the sewage plants.

Goldsmith says he's "absolutely impatient" when it comes to getting problems solved, a trait that has, not surprisingly, led to frustration in his dealings with the Federal Government.

His attempt to improve what he calls "the worst mass transit system in the country," for example, ran into obstacles imposed by Washington. Goldsmith wanted to create a franchise system in which operators with vans or cars would be able to carry city bus passengers. "I can't do that," he explains. "Why? The Federal Government and Congress say the only way to compete out bus routes is if the bus drivers' union agrees, a difficult if not impossible task.

"We were successful in getting them to agree to compete out the routes for the disabled," the mayor continues. "The disabled in my city hate the bus company because they have horror stories about callousness on the part of the drivers. So we bid out

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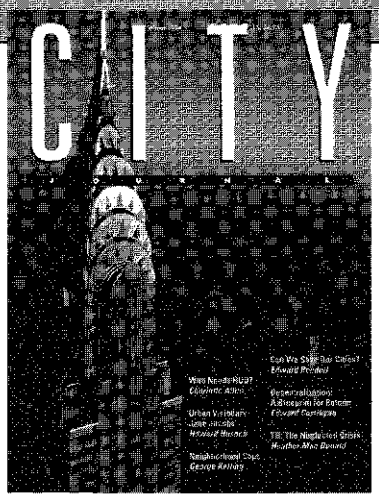
CITY JOURNAL



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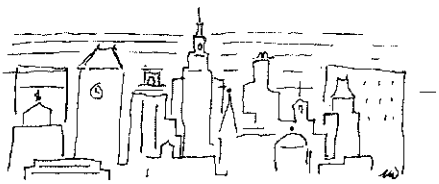

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this bus service and increased the number of rides for the disabled by 300 percent with the same dollars spent. Now we have a legal challenge because the union will not continue to consent to competition since it didn't win."

Goldsmith's frustration with the Federal Government is also evident in his attempts to introduce privatization to the Department of Housing and Urban Development. He visited a public housing project for the elderly and found the rooms were badly in need of repainting. He discovered that HUD had money available for such renovations, so he went back to the project the next day and promised the residents that within ninety days every apartment in the 16-story building was going to be repainted. "Those apartments could be painted in three hours' time, and it didn't seem to be a very difficult mathematical equation," Goldsmith says.

Then he discovered that he couldn't hire a private painting firm, so he went to the private-sector building trades union and asked what rate it would charge to paint the apartments. An agreement was reached, until the union discovered a catch. Its representative told the mayor, "No, we can't do it. If you use HUD dollars, the Department of Labor in Washington must determine the painting rate in Indianapolis. And by the way, the painting rate for the first three floors can be residential, but we have a rule that if it's over four stories tall, it's a commercial painting rate." That increases the cost by $10 an hour. "The top ten floors remain unpainted, and the people think I broke my word," Goldsmith complains. "All I had to do was bid it out and I would've had swarms of private painting companies competing for business."

Yet despite such problems, Goldsmith remains optimistic. "If we focus public policy arguments, we will win these battles. I have people living in poverty who can't get jobs because I can't compete out mass transit services. I have elderly people living in poverty and I'm not allowed to compete out the painting of their apartments. Every one of these anticompetitive restrictions, whether they be city, state, or federal, forces some group to live in a condition that they would not otherwise live in."

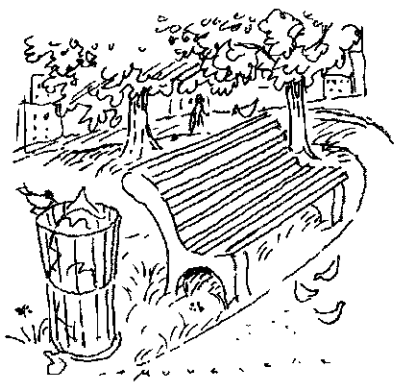
Reviving Communities

Goldsmith is making a high priority of revitalizing struggling neighborhoods. He identifies four central elements in his approach: capital investment, job creation, values, and empowerment of residents. He says citizens need to "take back their neighborhoods, take back their government, take back their streets, and take ownership over their own problems."

Community policing—in which officers develop relationships with their neighborhoods and walk local beats—is an important part of his strategy. And it is paying off.

Two years ago, Officer Mike Elder was assigned to patrol the crime-plagued Clearstream housing project. He set up an office in the project, got to know the residents, and acquired a beeper so he would be available when away from the office. Crime dropped dramatically: the number of calls for police service declined from 1,500 in 1991 to 800 in 1992 and 550 in 1993.

"Before Mike came in, I wouldn't dare let my kids play outdoors because of the shootings and drug deals going down at all hours of the day and night," says a single mother who lives in the project. "People living in projects want a normal life, too—and we're getting there."



Clearstream management helped the community policing effort by giving police an apartment in which to set up an office. Money was allocated so officers could work overtime, talking with residents and identifying problems. Additional funds come from a federal drug

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elimination grant. In the fall of 1993, Goldsmith announced he would put 117 more police officers into community policing, boosting the department's street patrol strength by 20 percent. City officials are also awaiting word from the U.S. Department of Justice about a $1.3 million grant to pay for 18 additional officers. The grant, stretched over a three-year period, would pay for new officers for the city's targeted high-crime neighborhoods.

Goldsmith's critics say his hard-driving approach led police to resist community policing at first. "One morning the mayor was sworn in, and the next day he said, 'We're going to have community policing. Go get it done!'" says Susan Williams, a Democratic member of the City-County Council. "Immediately we had frontline people digging in their heels with fists clenched." Goldsmith admits his impatience set him back in the beginning. "We were changing 25 years of autocratic, paramilitary, lack-of-response policing. Officers were apprehensive and the mid-level officers were especially resistant. We're doing better now. It's sinking in, changes are being made, and it's picking up momentum."

And the mayor says his critics understate the urgency of the problem. During his 12 years as Marion County prosecutor, Goldsmith made it a point to ride with officers on their beats, a practice he is continuing as mayor. In one recent month, for instance, he spent 25 hours with 12 different officers working early-morning shifts in tough neighborhoods. "I made a conscious decision that I would spend all the available time I have, out and about. There's only so much time to change the quality of life for communities that are in desperate straits. These same people who criticize could use their time more productively by spending a night out in one of the crack-filled neighborhoods, and then tell folks we need to move slowly."

Goldsmith says his community policing program still needs a social-service component: "The police officer responds to a crime. There's a man and a woman, not married, and the officer doesn't know who owns the house. She says it's hers, he says it's his. There are kids running around and no one knows what the relationship is to the man. Who gets evicted? Where do the kids go? Yet, here are police officers who don't have the resources to take care of all these needs. They aren't social workers, and it's a serious problem."

Goldsmith believes improving Indianapolis's neighborhoods is essential to forestall the flight of residents and business to surrounding counties.

Goldsmith has also embarked on a program called "Building Better Neighborhoods," a major effort to improve Indianapolis's infrastructure. He has identified four principles he says will guide the project: first, a strong commitment to existing neighborhoods, as opposed to new construction; second, a view of roads, bridges, sewers, and parks as assets that need sensible management; third, insistence that every project can be completed within three years and be fully funded; and fourth, a decision-making process that works closely with neighborhoods to ascertain their needs.

The project will devote $519 million over three years to 477 separate improvements that include the repair or replacement of 60 bridges, 64 miles of sidewalks and curbs, and 115 traffic signals; the building of eight police stations and ten fire stations; funding of wastewater treatment, sewer, and drainage projects; 99 improvement projects in fifty city parks; $17 million worth of public housing improvements; and $12 million in neighborhood and housing upgrading projects.

Goldsmith believes improving Indianapolis's neighborhoods is essential to forestall the flight of residents and businesses to surrounding counties. When this happens, Goldsmith notes, the people left behind tend to be those most in need of government

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services—a process far more advanced in older cities like New York. "This creates pressure for more revenue and more temptation to raise tax rates," Goldsmith says. "It's an ugly downward spiral, and cities across the country have fallen victim to it."

Skeptical Establishment

Goldsmith's efforts have met with skepticism from some in the Indianapolis political establishment, including, not surprisingly, Democrats in this heavily Republican city. Councilwoman Susan Williams told *Governing* magazine that Goldsmith's government has too many "bright, talented people who have never squashed a grape."

Another harsh critic is former mayor Hudnut. A popular politician, Hudnut leveraged public money with private dollars to erect domes and arenas that attracted national athletic organizations to Indianapolis. He focused on bringing businesses to Indianapolis and reshaping the downtown area, as opposed to dealing with protests about trash and fighting crime in troubled inner-city areas. He views Goldsmith as a "technocrat" and is angered at the "downsizing" that has eliminated many of his patronage jobs.

Hudnut doesn't attempt to hide his disdain. "Economic development, attracting jobs to Indianapolis, and promoting neighborhood revitalization are all important," Hudnut says. "Steve claims he's doing that and certainly there are signs all over the countryside saying, 'Building Better Neighborhoods.' But I have to ask: Is this really happening? He's doing some infrastructure work and there are a lot of promises. Someone said to me recently that if you stack up Steve's promises they'd be about five feet high, but if you stacked what he's delivered, it would be about five-tenths of an inch."

But according to Brian Vargus, head of the Indiana University Public Opinion Laboratory, Goldsmith is one of the two most popular politicians in Indiana. The other is Democratic Governor Evan Bayh, who has also drawn opposition from his party's establishment on some issues. Vargus attributes Goldsmith's popularity to his outspoken conservatism and his up-front style. "When he was prosecutor, there was a sting on stolen cars that was botched and he immediately stepped forward, saying, 'Look, I screwed this up.' He didn't, but as the top man he unhesitatingly took responsibility and was respected for it.

"He carries with him the notion that 'I can get it done.' People with diverse backgrounds like a no-nonsense guy, which Goldsmith is. He's a formidable force with the voters. Any political leader who ignores Steve Goldsmith is doing so at the peril of alienating a lot of voters. The joke in the upper levels of the Republican party is that nobody likes him but the people." ■

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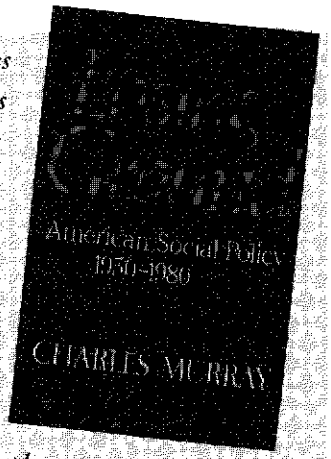
Regaining Lost Ground

Charles Murray

America's welfare quandary calls for a radical solution—the elimination of all federal welfare programs. It would be an enormous change, but citizens, private organizations, and local governments are well able to rise to the occasion.



It has been ten years since Charles Murray published Losing Ground, *his seminal analysis of the American welfare state. Murray argued that the growth in federal social programs beginning in the 1960s had actually made poverty worse by creating perverse incentives, encouraging the poor to become dependent on the government.*

It was a controversial thesis. "[Murray's] proposition may be as deeply flawed as it is startling, unlikely to survive scrutiny," proclaimed a New York Times *editorial in February 1985. But the debate has moved a long way: today, Murray's criticisms of the welfare system are widely accepted. In a December 1993 interview with NBC's Tom Brokaw, President Clinton said Murray's analysis of the link between welfare and unwed motherhood is "essentially right."*

Clinton has proposed reforming welfare by allowing recipients to collect benefits for a maximum of two years, after which they would be required to enter jobs or training programs. Murray, who has called Clinton's plan "essentially a glorified job-training bill," a decade ago proposed a far more radical approach to the welfare problem. Here is Murray's argument, as presented in Losing Ground:

In 1968, as Lyndon Johnson left office, 13 percent of Americans were poor, using the official definition. Over the next 12 years, our expenditures on social welfare quadrupled. And, in 1980, the percentage of poor Americans was—13 percent.

Moreover, basic indicators of well-being—participation in the labor force, educational achievement, crime rates, and the like—took a turn for the worse in the 1960s, most consistently and most dramatically for the poor. In some cases, earlier progress slowed; in other cases mild deterioration accelerated; in a few instances advance turned into retreat.

The question is why. Why at that moment in history did so many

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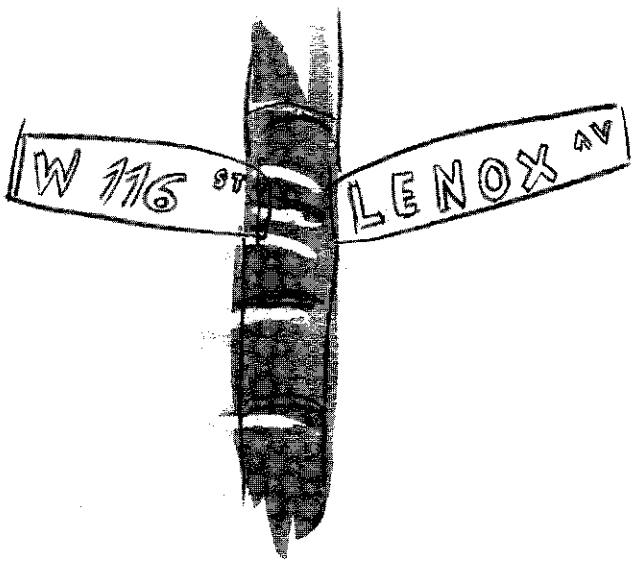
trends in the quality of life for the poor go sour? The easy hypotheses—the economy, changes in demographics, the effects of Vietnam or Watergate or racism—fail as explanations. As often as not, taking them into account only increases the mystery.

Nor does the explanation lie in idiosyncratic failures of craft. It is not just that we sometimes administered good programs improperly, or that sound concepts sometimes were converted to operations incorrectly. It is not that a specific program, or a specific court ruling or act of Congress, was especially destructive. The error was strategic.

A government's social policy helps set the rules of the game—the stakes, the risks, the payoffs, the tradeoffs, and the strategies for making a living, raising a family, having fun, defining what "winning" and "success" mean. The more vulnerable a population and the fewer its independent resources, the more decisive the effect of the rules imposed from above. The most compelling explanation for the marked shift in the fortunes of the poor is that they continued to respond, as they always had, to the world as they found it, but that we—meaning the not-poor and the un-disadvantaged—had changed the rules of the world. Not of our world, just of theirs. The first effect of the new rules was to make it profitable to behave in the short term in ways that were destructive in the long term. The second effect was to mask these long-term losses—to subsidize irretrievable mistakes. We tried to provide more for the poor and produced more poor instead. We tried to remove the barriers to escape from poverty and inadvertently built a trap.



116th Street and Lenox Avenue, New York

What, then, can be done? I begin with the proposition that it is within our resources to do enormous good for some people quickly. We have available to us a program that would convert a large proportion of the younger generation of hard-core unemployed into steady workers making a living wage. The same program would drastically reduce births to single teenage girls. It would reverse the trend line in the breakup of poor families. It would measurably increase the upward socioeconomic mobility of poor families. These improvements would affect millions of people.

All these are results that have eluded the efforts of the social programs installed since 1965, yet from everything we know, there is no real question about whether they would occur under the program I propose. A wide variety of persuasive evidence from our own culture and around the world, from experimental data and longitudinal studies, from theory and practice, suggests that the program would achieve such results.

The proposed program consists of scrapping the entire federal welfare and income-support structure for working-aged people, including Aid to Families with Dependent Children, Medicaid, food stamps, unemployment insurance, workers' compensation, subsidized housing, disability insurance, and the rest. It would leave the working-aged person with no recourse whatsoever except the job market, family members, friends, and public or private locally funded services. It is the Alexandrian solution: cut the knot, for there is no way to untie it.

It is difficult to examine such a proposal dispassionately. Those who dislike paying for welfare are for the proposal without thinking. Others reflex-

Illustrations by Dovrat Ben-Nahum

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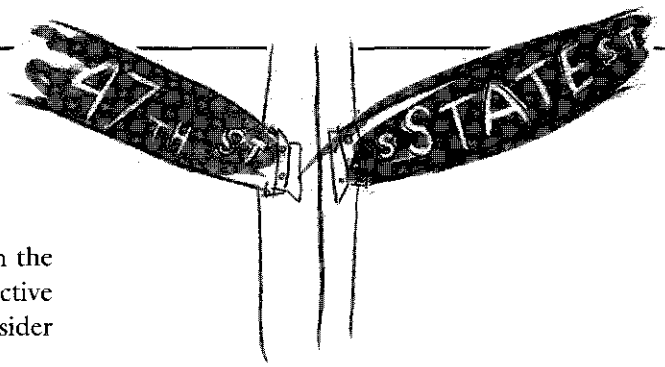

State and 47th Streets, Chicago

ively imagine bread lines and people starving in the streets. But as a means of gaining fresh perspective on the problem of effective reform, let us consider what this hypothetical society might look like.

A large majority of the population is unaffected. A surprising number of the huge American middle and working classes go from birth to grave without using any social welfare benefits until they receive their first Social Security check. Another portion of the population is technically affected, but the change in income is so small or so sporadic that it makes no difference in quality of life. A third group comprises people who have to make new arrangements and behave in different ways.

Sons and daughters who fail to find work continue to live with their parents or relatives or friends. Teenaged mothers have to rely on support from their parents or the father of their children and perhaps work as well. People laid off from work have to use their own savings or borrow from others to make do until the next job is found. All these changes involve great disruption in expectations and accustomed roles.

Along with the disruptions go other changes in behavior. Some parents do not want their young adult children continuing to live off their income, and become quite insistent about their children learning skills and getting jobs. This attitude is most prevalent among single mothers who have to depend most critically on the earning power of their offspring.

Parents tend to become upset at the prospect of a daughter's bringing home a baby that must be entirely supported on an already inadequate income. Some become so upset that they spend considerable parental energy avoiding such an eventuality. Potential fathers of such babies find themselves under more pressure not to cause such a problem, or to help with its solution if it occurs.

Adolescents who were not job-ready find they are job-ready after all. It turns out that they can work for low wages and accept the discipline of the workplace if the alternative is grim enough. After a few years, many—not all, but many—find that they have acquired salable skills, or that they are at the right place at the right time, or otherwise find that the original entry-level job has gradually been transformed into a secure job paying a decent wage. A few—not a lot, but a few—find that the process leads to affluence.

Perhaps the most rightful, deserved benefit goes to the much larger population of low-income families who have been doing things right all along and have been punished for it: the young man who has taken responsibility for his wife and child even though his friends with the same choice have called him a fool; the single mother who has worked full time and forfeited her right to welfare for very little extra money; the parents who have set an example for their children even as the rules of the game have taught their children that the example is outmoded. For these millions of people, the instantaneous result is that no one makes fun of them any longer. The longer-term result will be that they regain the status that is properly theirs. They will not only be the bedrock upon which the community is founded (which they always have been), they will be recognized as such. The process whereby they regain their position is not magical, but a matter of logic. When it becomes highly dysfunctional for a person to be dependent, status will accrue to being independent, and in fairly short order. Noneconomic rewards will once again reinforce the economic rewards of being a good parent and provider.

I am not suggesting that we dismantle welfare to balance the budget or punish cheats. I am hypothesizing that the lives of large numbers of poor people would be changed for the better.

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The prospective advantages are real and extremely plausible. In fact, if a government program of the traditional sort (one that would "do" something rather than simply get out of the way) could as plausibly promise these advantages, its passage would be a foregone conclusion. Congress, yearning for programs that are not retreads of failures, would be prepared to spend billions. Negative side effects (as long as they were the traditionally acceptable negative side effects) would be brushed aside as trivial in return for the benefits. For let me be quite clear: I am not suggesting that we dismantle income support for the working-aged to balance the budget or punish welfare cheats. I am hypothesizing, with the advantage of powerful collateral evidence, that the lives of large numbers of poor people would be radically changed for the better.

Assistance provided by local agencies would be more generous, humane, and wisely distributed than that provided by the Federal Government.

There is, however, a fourth segment of the population yet to be considered, those who are pauperized by the withdrawal of government supports and unable to make alternate arrangements: the teenaged mother who has no one to turn to; the incapacitated or the inept who are thrown out of the house; those to whom economic conditions have brought long periods in which there is no work to be had; those with illnesses not covered by insurance. What of these situations?

The first resort is the network of local services. Poor communities in our hypothetical society are still dotted with storefront health clinics, emergency relief agencies, employment services, and legal services. They depend on local taxes or local philanthropy, and the local taxpayers and philanthropists tend to scrutinize them rather closely. But, by the same token, they also receive considerably more resources than they formerly did. The dismantling of the federal services has poured tens of billions of dollars back into the private economy. Some of that money no doubt has been spent on luxury cars and summer homes on the Cape. But some has been spent on capital investments that generate new jobs. And some has been spent on increased local services to the poor, voluntarily or as decreed by the municipality. In many cities, the coverage provided by this network of agencies is more generous, more humane, more wisely distributed, and more effective in its results than the services formerly subsidized by the Federal Government.

But we must expect that a large number of people will fall between the cracks. How might we go about trying to retain the advantages of a zero-level welfare system and still address the residual needs?

As we think about the nature of the population still in need, it becomes apparent that their basic problem in the vast majority of the cases is the lack of a job, and this problem is temporary. What they need is something to tide them over while finding a new place in the economy. So our first step is to reinstall the unemployment insurance program in more or less its previous form. Properly administered, unemployment insurance makes sense. Even if it is restored with all the defects of current practice, the negative effects of unemployment insurance alone are relatively minor. Our objective is not to wipe out chicanery or to construct a theoretically unblemished system but to meet legitimate human needs without doing more harm than good. Unemployment insurance is one of the least harmful ways of contributing to such ends. Thus the system has been amended to take care of the victims of short-term swings in the economy.

Who is left? We are now down to the hardest of the hard core of the welfare-dependent. They have no jobs. They have been unable to find jobs (or have not tried to find jobs) for a longer period of time than the unemployment benefits cover. They have no families who will help. They have no friends who will help. For some reason, they cannot

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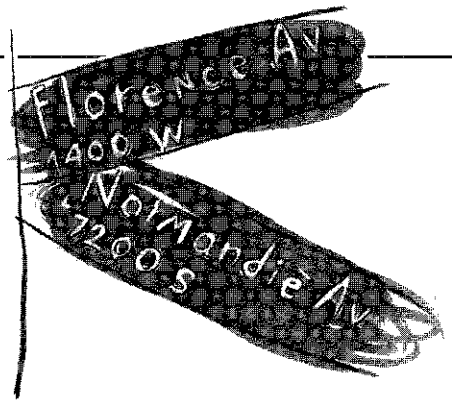

Florence and Normandie Avenues, Los Angeles

get help from local services or private charities except for a meal at the soup kitchen and a bed in the Salvation Army hall.

What will be the size of this population? We have never tried a zero-level federal welfare system under conditions of late-twentieth-century national wealth, so we cannot do more than speculate. But we may speculate. Let us ask of whom the population might consist and how they might fare.

For any category of "needy" we may name, we find ourselves driven to one of two lines of thought. Either the person is in a category that is going to be at the top of the list of services that localities vote for themselves, and at the top of the list of private services, or the person is in a category where help really is not all that essential or desirable. The burden of the conclusion is not that every single person will be taken care of, but that the extent of resources to deal with needs is likely to be very great—not based on wishful thinking, but on extrapolations from reality.

To illustrate, let us consider the plight of the stereotypical welfare mother—never married, no skills, small children, no steady help from a man. It is safe to say that, now as in the 1950s, there is no one who has less sympathy from the white middle class, which is to be the source of most of the money for the private and local services we envision. Yet this same white middle class is a soft touch for people trying to make it on their own, and a soft touch for "deserving" needy mothers—AFDC was one of the most widely popular of the New Deal welfare measures, intended as it was for widows with small children. Thus we may envision two quite different scenarios.

In one scenario, the woman is presenting the local or private service with this proposition: "Help me find a job and day care for my children, and I will take care of the rest." In effect, she puts herself into the same category as the widow and the deserted wife—identifies herself as one of the most obviously deserving of the deserving poor. Welfare mothers who want to get into the labor force are likely to find a wide range of help. In the other scenario, she asks for an outright and indefinite cash grant—in effect, a private or local version of AFDC—so that she can stay with the children and not hold a job. In the latter case, it is very easy to imagine situations in which she will not be able to find a local service or a private philanthropy to provide the help she seeks. The question we must now ask is: What's so bad about that? If children were always better off being with their mother all day and if, by the act of giving birth, a mother acquired the inalienable right to be with the child, then her situation would be unjust to her and injurious to her children. Neither assertion can be defended, however—especially not in the 1980s, when more mothers of all classes work away from the home than ever before, and even more especially not in view of the empirical record for the children growing up under the current welfare system. Why should the mother be exempted by the system from the pressures that must affect everyone else's decision to work?

As we survey these prospects, important questions remain unresolved. The first of these is why, if federal social transfers are treacherous, should locally mandated transfers be less so? Why should a municipality be permitted to legislate its own AFDC or food stamp program if their results are so inherently bad?

Part of the answer lies in conceptions of freedom. I have deliberately avoided raising them—the discussion is about how to help the disadvantaged, not about how to help the advantaged cut their taxes, to which arguments for personal freedom somehow always get diverted. Nonetheless, the point is valid: Local or even state systems leave much more room than a federal system for everyone, donors and recipients alike, to exercise freedom of choice about the kind of system they live under. Laws are more easily made and changed, and people who find them unacceptable have much more latitude in going somewhere more to their liking.

But the freedom-of-choice argument, while

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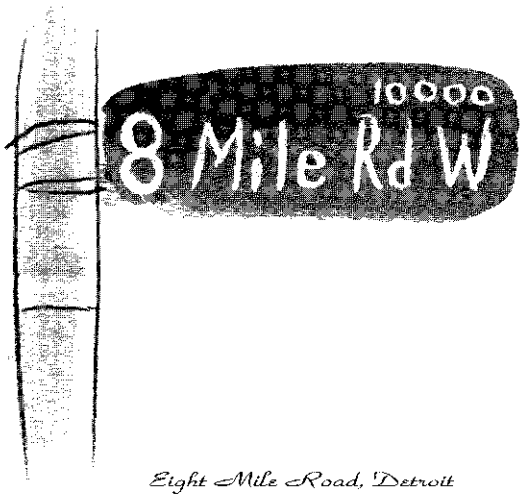

Eight Mile Road, Detroit

legitimate, is not necessary. We may put the advantages of local systems in terms of the Law of Imperfect Selection. A federal system must inherently employ very crude, inaccurate rules for deciding who gets what kind of help. At the opposite extreme—a neighbor helping a neighbor, a family member helping another family member—the law loses its validity nearly altogether. Very fine-grained judgments based on personal knowledge are being made about specific people and changing situations. In neighborhoods and small cities, the procedures can still bring much individualized information to bear on decisions. Even systems in large cities and states can do much better than a national system; a decaying industrial city in the Northeast and a booming Sunbelt city of the same size can and probably should adopt much different rules about who gets what and how much.

A final and equally powerful argument for not impeding local systems is diversity. We know much more in the 1980s than we knew in the 1960s about what does not work. We have a lot to learn about what does work. Localities have been a rich source of experiments. Marva Collins in Chicago gives us an example of how a school can bring inner-city students up to national norms. Sister Falaka Fattah in Philadelphia shows us how homeless youths can be rescued from the streets. There are numberless such lessons waiting to be learned from the diversity of local efforts. By all means, let a hundred flowers bloom, and if the Federal Government can play a useful role in lending a hand and spreading the word of successes, so much the better.

The ultimate unresolved question about our proposal to abolish income maintenance for the working-aged is how many people will fall through the cracks. In whatever detail we try to foresee the consequences, the objection may always be raised: We cannot be sure that everyone will be taken care of in the degree to which we would wish. But this observation by no means settles the question. If one may point in objection to the child now fed by food stamps who would go hungry, one may also point with satisfaction to the child who would have an entirely different and better future. Hungry children should be fed; there is no argument about that. It is no less urgent that children be allowed to grow up in a system free of the forces that encourage them to remain poor and dependent. If a strategy reasonably promises to remove those forces, after so many attempts to "help the poor" have failed, it is worth thinking about.

But that rationale is too vague. Let me step outside the persona I have employed and put the issue in terms of one last, intensely personal, hypothetical example. Let us suppose that you, a parent, could know that tomorrow your own child would be made an orphan. You have a choice. You may put your child with an extremely poor family, so poor that your child will be badly clothed and will indeed sometimes be hungry. But you also know that the parents have worked hard all their lives, will make sure your child goes to school and studies, and will teach your child that independence is a primary value. Or you may put your child with a family with parents who have never worked, who will be incapable of overseeing your child's education—but who have plenty of food and good clothes, provided by others. If the choice about where one would put one's own child is as clear to you as it is to me, on what grounds does one justify support of a system that, indirectly but without doubt, makes the other choice for other children? The answer that "what we really want is a world where that choice is not forced upon us" is no answer. We have tried to have it that way. We failed. Everything we know about why we failed tells us that more of the same will not make the dilemma go away. ■

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Learning Zones

Breaking Up Educational Gridlock

■ **Amalia Betanzos** is founder of the Wildcat Academy, a public school for students who have been suspended from other schools in the New York City school system.

■ **Bruce Cooper** is a professor at Fordham University's Graduate School of Education.

■ **Colman Genn** is a senior fellow at the Center for Educational Innovation and a former superintendent of Community School District 27.

■ **John Elwell** is director of the Center for Educational Innovation and former director of alternative schools for Community School District Three on the Upper West Side of Manhattan.

■ **Larry Mone** is managing editor of *City Journal*.

■ **Diana Nelson** is co-chairman of the Chicago Learning Zone Advisory Committee and senior policy advisor for Designs for Change, a school reform and advocacy organization.

■ **Lorraine Monroe** is founder and principal of the Frederick Douglass Academy, a college preparatory school in Harlem.

■ **Steven Philips** is superintendent of alternative high schools and programs for the New York City Board of Education.

Successful public school principals and teachers complain that their biggest obstacle in creating good schools is constricting and time-consuming regulations emanating from the central bureaucracy. Could the concept of enterprise zones—originally conceived as a way to encourage economic activity in inner cities by freeing them from stifling regulation—be applied to education? An experiment of this kind is just getting underway in Chicago, where a state commission is investigating the possibility of creating "learning zones" in which schools would be free of many of the central board's regulations.

City Journal invited a panel of distinguished public school educators, many of whom have created successful schools, to discuss the concept and to enumerate what the most important elements of an educational enterprise zone would be.

LARRY MONE: We are fortunate to have Diana Nelson, co-chairperson of the Chicago Learning Zone Advisory Committee. I would like Diana to begin our discussion with a few remarks about what is happening in Chicago.

DIANA NELSON: Governor Jim Edgar announced a year ago in his state of the state message that he would be appointing an advisory committee to study the idea of learning zones. The committee has now had four working sessions to establish the basic elements of a learning zone. We have heard presentations by principals and teachers, some of whom have created alternative schools in Chicago, who have described in detail the difficulties of working with a large, unresponsive bureaucracy.

Schools in the zones would be free from having to fill out time-consuming forms and reports for the central office, from certain state regulations—for example, those mandating the number of minutes a day a subject must be taught—and from certain teacher contract provisions, such as those regarding the structure of the school day. In exchange, they would have to make a commitment to very specific improvements in student performance. That is the tradeoff: freedom from rules and regulations in exchange for accountability.

Under the recommendations of the committee, a majority of a

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school's local council and staff will have to vote to become part of a learning zone, and the school will have to apply by submitting a proposal describing its goals. Both groups of schools and individual schools will be able to apply for learning zone designation, but preference will be given to those applying in groups. We already have about 30 clusters of schools in Chicago; about half are geographically contiguous schools and half are clustered on the basis of a similar educational philosophy or curriculum.

I should explain that Chicago has a foundation for reform that may not exist in other cities. The Chicago School Reform Act, passed in 1988, created autonomous local school councils. The councils consist of a majority of six parents, two community representatives, two teachers, the school principal, and, in the high schools, a student representative. They have the power to choose the principal, develop school improvement plans, and decide how discretionary money will be spent. The state Chapter I monies for low-income students over which the school councils have control are really quite substantial—a minimum of $300,000 for an elementary school and as much as a million dollars for some of our larger high schools. As a result, we now have local school councils with five years' experience making policy decisions.

It has been five years since the reform act was passed, and there is good evidence to show that it is working. At least one-third of the schools are working on focused restructuring efforts. However, as the designers of the legislation foresaw, the school reform has met with resistance, and it is hard to sustain momentum over the long haul. We need to revive interest in reform, and in my view, the learning zone designation will do that.

COLMAN GENN: Chicago has really led the way in school reform by making every school an independent entity with its own governing board. You have allowed the public schools in Chicago to operate like private or parochial schools, which are answerable to their own constituency of parents. Usually the board of education has a monopoly on the provision of public education. By giving each school its own elected council, you've broken that monopoly to a degree. Unfortunately, Chicago's central bureaucracy is still in place. That bureaucracy not only absorbs money that should go to the schools, it produces regulations that prevent schools from functioning.

There is another movement afoot in educational reform that fits in very well with the learning zone concept: the charter school movement. Under charter legislation, the state can give a charter to a group of teachers and parents, a university, or another organization to operate a public school with public money. The schools are free of local, and most state, regulation.

In establishing enterprise zones you could use charter legislation to free the schools almost totally. Give schools 95 to 98 percent of the total spending on education, instead of the 40 percent the average school in New York City is getting now, and let them function independently.

DIANA NELSON: In Chicago, we've looked very closely at charter legislation. Unfortunately, interest groups are keeping a tight lid on the number of charters allowed. The proposal being circulated in the Illinois Legislature would only create 12 charter schools statewide, with probably four of those for Chicago. In contrast, we are recommending learning zone designation for 10 percent of the schools in Chicago, or 60 schools, in the first year.

COLMAN GENN: You have to be careful that you don't create a new layer of bureaucratic oversight under the enterprise zone label. To prevent that from happening, you should let schools form their own enterprise zones and decide for themselves what the zone will do. The zones would then be the creatures of the schools, rather than the other way around.

For instance, several alternative schools in Brooklyn might want to get together and form their own zone. Together they might hire someone to create an office for support services they must now get from the central board, such as purchasing, staff development, or leadership training. If Amy

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Betanzos at the Wildcat Academy didn't want to join them, God bless her. She might choose to buy assistance with staff development from Fordham University. Lorraine Monroe, on the other hand, who has been a professor at Bank Street College, might turn to Bank Street for help. And if Bank Street didn't give her the services she wanted, she could shop elsewhere. In other words, I'm suggesting that schools really act like free institutions.

One of the great advantages of such a group would be the opportunity for like-minded people to work together and to give each other support. For instance, if you had a school with a weak principal, the other principals would be able to advise him or her. You could also give the zone the power to create new schools in the empty space in its buildings.

LARRY MONE: If you were going to design a zone where you could replicate the kinds of successful schools many of you have created, what would the ingredients be?

DIANA NELSON: One of the elements we'd like to include in the Chicago learning zone legislation is a lump-sum budget, which would allow schools to spend their money as they see fit. Currently, funds are strictly earmarked for specific purposes, giving the schools little or no flexibility. Lump-sum budgets would also allow schools to come up with creative ways to stretch their budgets, which are tight because of Chicago's $450 million deficit.

AMALIA BETANZOS: I think a lump-sum budget is perhaps the most important tool you can give principals: I don't think you can run a successful school nowadays without one. Last year we had a lump-sum budget with some of it earmarked for specific programs. This year more of our money was allocated for specific purposes, and I will fight tooth and nail to get out of those budget allocations again. The money for supplies was put in the budget, and I had to purchase them from the board; as a result, $20,000 worth of supplies I ordered from the board have not yet arrived. When I had a lump-sum budget, I could go out and buy whatever supplies we needed—paint, paper, wax, etc. If I had a stopped-up toilet, I didn't have to wait three months for the board to fix it; I called a plumber and had it fixed right away. Of course you ultimately have to justify how you spent the money, but after you've had the flexibility of spending it as you needed it.

COLMAN GENN: Schools shouldn't have to go through the central board to make repairs to their buildings. In New York City, the central board's Division of Building and Maintenance has a backlog of 40,000 requests for repairs. If ever there were evidence of an organization's inability to carry out its mission, that is it.

LORRAINE MONROE: Perhaps we should use the term "protected" zone instead of learning zone—protected from the things that stifle creativity and innovation, like reams of bureaucratic paperwork and senseless regulations. For instance, I've been told that my seventh graders can't take the ninth grade algebra Regents exam because they're not supposed to take the Regents until they are in high school. This is a battle I shouldn't have to fight.

JOHN ELWELL: The alternative schools movement we created in District Three in some respects constitutes a de facto enterprise zone, because it buffers school leaders and staffs from some of these restrictions. In fact, as a director of alternative schools, it was my role to reinterpret or ignore a lot of regulations. Our goal was to get people to start thinking, What do I want to do? instead of, What will the system let me do? When they would object, saying that they could not do something because of this mandate or that, we would tell them to do it and blame us.

In some cases, breaking the rules entailed real risks. For example, a teacher might want to break a class into small groups, each working on a different task. Now according to the regulations, there must always be a licensed teacher for each group of children. If a school director said to me that he had a program that called for groups of students to meet in

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different rooms with adults from various professions—for instance, painters, actors, and poets—but that he couldn't put a teacher in each room, I would tell the director to do it.

The regulations that hurt schools most are the ones preventing them from hiring the teachers they want. Any corporate or public-sector leader knows that hiring the right people is the whole ball game. Good schools have good teachers. But when a principal needs a teacher, he must call the personnel office. If there is a teacher in the district currently without an assignment, he is given the job. Moreover, the rules stipulate that you must use a licensed English teacher to teach English, even though a principal may know of a teacher with a social studies license who can not only teach English beautifully, but who fits comfortably into the school. Alternative school directors worth their salt would hire the social studies teacher, and they would probably get away with it because they are not as closely watched by the unions as a regular principal.

The regulations that hurt schools most are the ones preventing them from hiring the teachers they want.

Of course, we had to pay a big psychological price for doing these things. After all, most people are not wild men and women; they want to follow the rules. But we found out that if we obeyed the rules, we couldn't create good schools. It was a powerful moral and professional dilemma.

Learning zones could be of great benefit if they enabled principals to hire who they want, buy the supplies they need, and make repairs to their buildings quickly. Learning zones could also help with the difficult problem of measuring outcomes. Relief from regulation doesn't mean schools shouldn't be accountable. Allowing parents to send their child to the public school of their choice is a powerful way to keep schools accountable: I don't know of a bad school where parents seek admission for their children. But we need other measures of a school's performance as well, some arrived at by the schools themselves, some by an outside agency—which could be the zone. Zones could allow schools to opt in to get regulatory relief in exchange for agreed upon academic results.

DIANA NELSON: Freedom to choose staff by schools would be on my wish list for learning zones. Unfortunately, because of the unions, that is not on the table in Chicago. However, we have agreed that in cases where new staff is added, the schools will be able to do the recruiting and hiring themselves.

STEVEN PHILIPS: One of the things that we hope to permanently negotiate for the alternative schools in New York City is a peer selection process. Principals have never had any say about which teachers were transferred into their buildings, so one of our principals suggested that the faculty should select new teachers. As a result, in New York City's new schools, a nucleus of the faculty—usually the people involved in creating the school—hire the new teachers. We're finding it works well.

LARRY MONE: Would schools in learning zones need waivers from other elements of the teachers' contract?

JOHN ELWELL: The teachers' contract spells out requirements such as the length of a teacher's lunch break, the number of periods a teacher gets for preparation a day, and the maximum number of classes they can teach in a row. If we hadn't been able to ignore these at the alternative schools, it would have made our lives very difficult. For instance, sometimes you have to schedule more than three classes in a row. At one alternative school all the teachers and students took lunch together, family-style. In a regular school the teachers would have to have a 55-minute break. This can be a real problem. Adolescents eat lunch in half a second. That

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leaves 54 and a half minutes in which they can get rowdy. By the time you get them back in the classroom, you can't teach them anymore.

In the alternative schools, in exchange for flexibility on contract provisions, we were able to offer teachers a real say in how they did their jobs. Teachers do need protection from abusive administrators, but if teachers are to be treated as professionals, they have to leave the union mentality behind.

LORRAINE MONROE: We haven't talked about the importance of having imaginative, risk-taking, trained leaders. I agree that budget autonomy is critical, but you can't give autonomy to a principal who doesn't know what he or she is doing. We have a lot of successful schools in New York. Some of them should become demonstration schools where people can have internships and learn how the principal works and how problems are resolved.

Schools also need to develop a constituency made up of parents, community organizations, or corporations, that will run interference for them with the bureaucracy.

BRUCE COOPER: The role of the community in protecting and nurturing schools is critical. Are you going to use the local community organizations—the synagogues, churches, community centers, and political organizations—to rally support for schools in the learning zones?

JOHN ELWELL: The Manhattan School for Children was literally started by parents. These were middle-class folks who wanted to send their kids to the school across the street but didn't like what was going on inside. We found a teacher to work with them, and they created a new school in the building. Today it is parent-driven and parent-protected. The parents are involved in the Alternative Schools Committee and come to board meetings, and the board knows to keep its hands off them. In the meantime we have a remarkable small elementary school.

STEVEN PHILIPS: In some cases it is wonderful to have community people or parents as part of the group running the school, and other times it isn't. In some areas of the city, the people who would come to the fore are the last people to whom one would want to turn an educational enterprise over. The people at the Board of Education are not the only ones making money off the system. So the first thing these zones need are provisions about who the partners at the table are going to be and what mechanism we use to get them there.

LARRY MONE: Does the idea of a learning zone that is geographic make sense?

STEVEN PHILIPS: Well, from the New York City perspective it does. For example, the state has been trying to figure out what to do with the city schools identified as failing six years ago that still have not made the performance gains the state was demanding. If you look at the list of these schools, you will see that there are distinct geographic areas in the city where all the schools are on the list, including a couple of areas in the South Bronx and one in Greenpoint in Brooklyn.

COLMAN GENN: Geographic learning zones are a bad idea. We already have geographic learning zones—they are called school districts. If you organize a group of failing schools, the first thing they will do is rationalize their failure. Just as there are school cultures, there are school district cultures. We need to break the schools out of those cultures. If anything, you should connect failing schools to successful schools so they can learn what works.

There is an inherent tension between the idea of learning zones, which they are trying in Chicago, and school choice, which the Center for Educational Innovation, of which I am part, is promoting in New York City. In creating learning zones, you are focusing attention and resources on failing schools. In effect, you are rewarding failure. In contrast, the school choice philosophy calls for creating enough new schools that you can close

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down the bad schools so that they don't absorb any more resources.

STEVEN PHILIPS: There's a great difference between trying to reform existing schools, as they are trying to do in Chicago, and starting new schools. In New York, we have had very poor luck trying to change failing schools. The worst schools in the city have been getting the most resources for a long time. Since about 1978, some large zoned high schools have received about $20 million each over and above the standard funding formula, and they still haven't improved.

Unfortunately, it is still terribly difficult to close bad schools. Former schools chancellor Joe Fernandez went to the mat over closing Julia Richman High School, and Chancellor Ray Cortines has done the same over James Monroe High School. But a number of school closing proposals are strangled by people at the schools. In trying to close down James Monroe High School, for instance, I found myself negotiating with the few people for whom the school worked: the president of the senior class who was going to Yale, the parents of the youngsters who got Regents scholarships, and the best teachers on the faculty. Nobody was representing the 83 percent of the kids who left the school without a diploma.

We need to remove failing schools from this endless negotiating process and have the legislature or state commissioner close them down. If Albany simply said it would not give state aid to any youngster attending a failing school, the school would have to close. I believe that the New York State Commissioner of Education, Tom Sobol, is about to ask the Board of Regents for the permission to do just that. Sobol also suggested six years ago that we come up with a voucher system so that every child going to a school which has been decertified would be entitled to go to any other school in the city.

LORRAINE MONROE: Some schools should be closed, but some schools can be resuscitated if you can change the leadership and find a constituency for change inside and outside the school.

DIANA NELSON: I agree. There are schools in the worst sections of Chicago that have been completely transformed by new leadership.

STEVEN PHILIPS: I am not sure that one can say we can walk into any school in the city and bring it to life. We have tried every idea known to man in the city's troubled high schools. We've got increased guidance counseling, block programming, house plans, staff development, cooperative learning, and master learning, but the schools are still not working.

JOHN ELWELL: Schools can reach a point where the culture is so negative and entrenched that nothing short of closing them down and starting again will work. It is relatively easy to create new schools. The problem is insuring that they achieve what they set out to do. In the case of the Wadleigh school, where we closed down the school and created three new ones to take its place, two schools have been successful and one hasn't. We are being forced to try to fix the failing school because politically we can't close it down.

COLMAN GENN: I agree with John and Steve. We have to stop funding failure. Choice can't operate if schools never close. In New York City we haven't fully implemented choice. We are creating new schools that work, but the bad schools still end up filling their seats and wasting huge amounts of resources.

BRUCE COOPER: I wanted to ask a question: How do we get more money to schools in large cities like Chicago or New York? In school districts in Brooklyn Heights and Bedford Stuyvesant, on average only $2,114, or 28 percent, of the $7,512 per student New York City spends on education is reaching the classroom.

COLMAN GENN: You have to totally shut down the bureaucracy and let public schools be independent. In New York City, education is a $7.5 billion business, with 150,000 jobs. When our new chancellor ordered

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a count of the number of people working at the central board, he discovered there were 6,000 instead of the 3,600 reported by his predecessor. The school system is serving interests other than those of children. If you could sell basketballs or paper to the New York City schools you would be a very wealthy person. Very few people with a real interest in children are making the important decisions about education. That is why we have to let each public school become an independent entity. I certainly foresee all the dangers, but the system we have now is producing schools where 83 percent of the children don't graduate.

STEVEN PHILIPS: Even without touching the funds that are going to administrative overhead, we could do a better job with the money our high schools are getting now if we had smaller schools operating under a different governance system.

When New York's Public Education Association did a study of school funding four years ago, they found that it doesn't cost any more to run a small school than it does to run a big school. People think that because small schools have small class sizes they cost more. But small schools tend to spend less on administrative staff. The net cost of the big and small schools to the Board of Education is exactly the same. We should take the $54 million in Chapter I funding away from the big high schools where it doesn't seem to make any difference and invest it in starting up alternative schools.

The board's biggest problem right now is finding real estate. We could open high schools all over the city if we could find the sites. For example, in the South Bronx three school districts near James Monroe High School have a lot of empty space in their school buildings. But the districts won't let us have the space. When we try to rent space, community boards put pressure on the landlords not to rent to us.

COLMAN GENN: The best way to make space for new high schools is to close down the schools that are failing. People will always object to a school being closed in their neighborhood, even if it's a terrible school. But if you open a new school, or several small schools, in the same building, they won't object.

STEVEN PHILIPS: I think the building blocks of a learning zone are in place in New York, whether it's the kind of structure that Cole Genn is talking about or one that nobody has yet imagined. In some ways the timing is very propitious. Through the New Visions program, we have experience with allowing people in the community to design schools, whether an activist group like East Brooklyn Congregations or a corporation. We have a state commissioner who is about to close down failing schools if they don't improve by a certain deadline, which has never been done before. Then we have the Coalition Campus project, which allows us to close down a failing school, hot house small substitute schools, and eventually move them into the original school building.

We also can count on support from the United Federation of Teachers [UFT]. A study group within the UFT that has been meeting for several years to discuss school reform has supported changes that no union would have supported even ten years ago. And the local political leaders and even some people at the Board of Ed have been receptive to these ideas. All the pieces are there; it is just a matter of putting them together. ■

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RICHARD BROOKHISER

Washington's New York

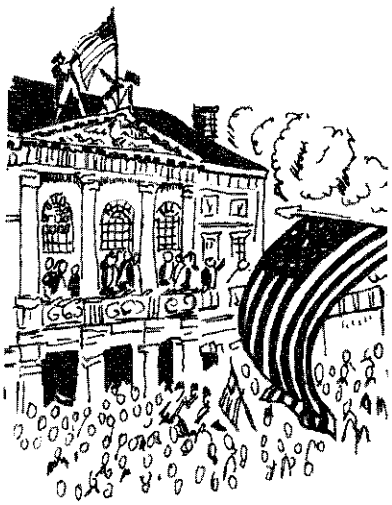
New York has long been the capital of many slices of American life. But from April 1789 to August 1790, it was America's political capital as well. At a time when Washington, D.C., was still a swamp, George Washington slept, and served, in Manhattan.

Washington's arrival in New York for his first inauguration in the spring of 1789 was the end of a triumphal progress from Mount Vernon. He made the last leg of his journey, across the harbor from New Jersey, on a ceremonial barge, manned by 13 oarsmen on each side. A Spanish frigate saluted it with guns larger than any the United States possessed; porpoises frolicked alongside. A quartet of singers aboard a sloop hailed the president-elect with an updated version of *"God Save the King"*:

> *Joy to our native land,*
> *Let every heart expand,*
> *For Washington's at hand,*
> *With glory crowned.*

Washington landed at the bottom of Wall Street, and walked, through dense, cheering crowds, to a rented house.

The adulatory welcome, Washington wrote in his diary, "filled my mind with sensations as painful . . . as they were pleasing," because, in characteristically modest fashion, he found himself "contemplating the reverse of this scene," which might come about even "after all my efforts to do good." He was still solemn a week later, when he was inaugurated at the original Federal Hall, which stood at the intersection of Wall and Broad Streets. One senator described him as "grave, almost to sadness"; another as "agitated and embarrassed." In a short address, he



Washington's inauguration at the old Federal Hall in New York.

told his listeners that "the destiny of the republican model of government" was "staked on the experiment entrusted to the[ir] hands." His earnest performance, wrote a congressman, "seemed to me an allegory in which virtue was personified and addressing those whom she would make her votaries."

Since at the highest level of government, only John Jay, the chief justice of the Supreme Court, and Alexander Hamilton, secretary of the treasury, were New Yorkers, virtue's votaries were obliged to find lodgings in the city. Thomas Jefferson, secretary of state, put up in a tavern on Broadway, for seven dollars a week. James Madison, a mere member of the House of Representatives, but an intimate of the president, lived in a boarding house on Maiden Lane. John Adams, the vice president, took a house in Greenwich Village, then farmland. Washington began his stay in New York on Cherry Street (on a spot now covered by the approaches to the Brooklyn Bridge), moving in February to another rented house on Broadway, below Trinity Church. He asked a friend traveling in Europe to buy some "neat and fashionable" ornaments for the presidential dinner table, and got 12 porcelain allegories of the arts and sciences, with a centerpiece depicting "Apollo Instructing the Shepherds." Despite these adornments, the French minister found the president's residence chetive (mean).

Though New York had bounced back from a bad war—the city had burned in 1776—it was not a particularly comfortable place, even by the standards of the day. Philadelphia, thanks to Benjamin Franklin, had swept streets. New Yorkers dumped their offal in the gutters, to be eaten by pigs and wild dogs, and the Supreme Court met above the bleating animals of a Broad Street farmers' market. Abigail Adams complained that it was "impossible to get a servant from the highest to the lowest grade that does not drink." An influenza epidemic in May of 1790 laid Madison low, and nearly killed Washington.

When he was not ill, the president relaxed by riding a 14-mile circuit to Morningside Heights and back. He attended plays at the John Street Theater

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and at his residence, where he saw an amateur performance of *Julius Caesar*. He also went to the circus. In the summer of 1790, he took Jefferson and Hamilton on a three-day fishing trip off Sandy Hook.

One of the most important tasks of the first Washington administration was to develop an etiquette appropriate to a new model of government. The universal desire to find republican forms was complicated by the lack of republican precedents and, more subtly, by the esteem in which Washington personally was held. During his first days in office, he wrote to a friend in Virginia, "I was unable to attend to any business whatsoever, for gentlemen, consulting their own convenience rather than mine, were calling from the time I rose from breakfast—often before—until I sat down to dinner." Washington's solution was to hold a reception from three to four on Tuesday afternoons, for anyone who chose to come. He tried to strike a balance between ceremony and informality. When an eager aide announced Washington's entrance at a reception by crying, "The President of the United States!" Washington rebuked him: "You have taken me in once, but by God, you shall never take me in a second time." Thereafter, Washington was to be found posted in the reception room in formal dress—black coat and dress sword in a white leather scabbard—as the callers came in. "Gentlemen," he wrote, "often in great numbers, come and go, chat with each other, and act as they please. A porter shows them into the room, and they retire from it when they choose. . . . What pomp there is in all this I am unable to discover." But others had no trouble discovering the pomp. The very idea of public appearances at stated times reminded Senator William Maclay, a bumptious rube from Pennsylvania, of "an Eastern lama."

New Yorkers, blasé then as now, took the receptions in stride. One wintry Tuesday, when Congress was out of session, Washington dressed and positioned himself—but nobody came. It is hard to say what is most remarkable about that incident: that anyone could meet the president, that nobody chose to, or that the president whom New Yorkers neglected to meet was not Bill Clinton or George Bush, but George Washington.

New York had a direct interest in the most important policy decision of the administration's first year. This was the famous bargain whereby the southern states, particularly Virginia, agreed to let the Federal Government assume state debts (mostly northern) that were still outstanding from the Revolution. In return, the northerners backed moving the capital to the banks of the Potomac.

Washington's wartime struggles to supply and pay his troops had made him a confirmed foe of weak credit and paper money, and Hamilton had come up with a detailed plan to put the country on a sound financial footing. Madison, however, did not want state debts assumed, and the House balked. One day in June 1790, Jefferson ran into Hamilton on Broadway, outside Washington's house: "His look was sombre, haggard, and dejected beyond description—even his dress uncouth and neglected. He asked to speak with me. We stood in the street near the door." Hamilton threatened to resign unless the House came round. So Jefferson asked Madison and Hamilton to dinner the next night, and "encouraged them to consider the thing together. . . . It was observed, I forget by which of them, that as the pill [of assuming northern debts] would be a bitter one to the Southern states, something should be done to soothe them." Moving the capital to the Potomac was thought to be sufficiently soothing. The deal makers brought Pennsylvania along by agreeing to let Philadelphia be the interim capital. Rufus King, one of New York's senators, wept on the floor of the Senate when the arrangement became public. But Hamilton's defection left the partisans of New York leaderless. Hamilton wrote King that the Potomac site was "bad, but it will insure the funding system."

So, after passing through the new nation's two largest and most flourishing cities, the seat of government would move to the woods.

Politics aside, most of the arguments used to justify leaving New York for the Potomac were either overly optimistic or wrong. Washington hoped that the made-to-order capital would

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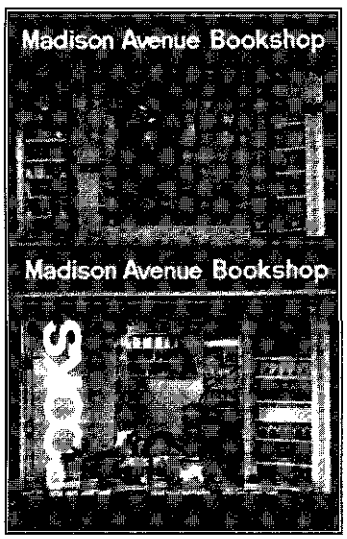

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become a national metropolis. He wanted a federally supported university built there, and he believed that once the river had been improved by locks it would become part of a thriving trans-Appalachian trade artery. But the university and the trade never materialized. Other southerners argued that the new city would be more centrally located, which was true only as the crow flew. Because New York was a port, it was easier to get to even from southern cities like Charleston and Savannah.

What were the cultural consequences of the move? Would America have profited from having our political and cultural elites in the same city, like London or Paris? The historians Stanley Elkins and Eric McKitrick, in *The Age of Federalism*, argue that by shunting its politicians to a squalid tidewater Brasilia, America lost the chance of having "a national capital as the matrix for the growth of . . . society's self-knowledge." If the government had stayed in New York, where business had already gravitated, and where art and intellect would ultimately spring up, "the daily transactions among the men and women associated with these disparate fields of energy—transactions trivial as well as official, corrupt as well as virtuous, after dark as well as in daylight . . . would not have occurred in quite such 'separate spheres.'" But politicians and intellectuals went their separate ways, with the result that intellectuals do not understand power, while politicians go to the Kennedy Center.

This attractive daydream of an American London or Paris ignores the problem of scale. Even in 1790, when the population of the United States was scarcely four million, the settled portions of the country were already more extensive than Britain or France. In a nation with so many theres there, it may have been just as well to have the lawmakers meet in the functional equivalent of nowhere.

We also have some test cases of how American culture fares in the shadow of power, and how power is exercised by the cultured. Henry Adams spent his mature years on Lafayette Park wishing he were in the White House; Woodrow Wilson, former president of Princeton, actually got there. The examples are not inspiring. Adams's smoldering resentment almost ruined his prose; Wilson's theories and rigidities ruined Europe.

Finally, New Yorkers are entitled to ask if we would want the government here. Would the city be improved by an overlay of dullards from the Midwest—or Arkansas? Many of us came from such places to New York because we found them uninteresting. Would we find their congressmen, and their congressmen's legislative assistants, any more interesting? To say, "We'll take Manhattan, / The Bronx, and Staten / Island too" implies that someone else will take the Federal Department of Transportation.

In May 1790, a commission appointed by New York City began work on a third house for the president, below Bowling Green. It was finished in 1791, but by then George Washington had already left, never to return. He, at least, was a loss. ■

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ROGER STARR

The Education of L*E*O R*O*S*T*E*N

Readers of *The New Yorker* magazine of August 22, 1936, must have been startled to find it leading off with a "casual"—the New Yorker's in-house term for fiction—by an unknown author who called himself Leonard Q. Ross. Even more unexpected was Ross's exploitation of dialect as a source of humor and the development of character. The magazine's humorist contributors, including S.J. Perelman, Robert Benchley, Dorothy Parker, James Thurber, and Frank Sullivan, did not generally rely on dialect, practicing their art in the characteristic clarity of the magazine's prose.

That first story to appear in *The New Yorker* was entitled "The Rather Baffling Case of Mr. K*A*P*L*A*N." Its mise-en-scène, the fictional American Night Preparatory School for Adults, was the setting of all the subsequent Leonard Q. Ross stories, numbering in the end 29. The characters were the adult foreign students in the school's beginners' English class and their teacher, Mr. Parkhill. The recurrent theme underlying each narrative was the reluctant perception by Mr. Parkhill that there was one student who simply could not be forced, persuaded, or cajoled to accept his teacher's linguistic dicta, based so logically on the premises that he, Mr. Parkhill, with equal care set forth. The exception, student H*Y*M*A*N K*A*P*L*A*N, came first to the teacher's attention because of the way he always wrote his name, each letter originally displayed in red crayon, then outlined in blue, and then separated from each neighboring letter by a green star. Kaplan's mangling of the English tongue, that devilish medium of mispronunciation by those so unlucky as to have been raised in another language, was substantially sui generis; his variations on English syntax were nothing less than inspired.

The Kaplan stories captivated millions of readers, many of whom had never heard anyone speak in the gorgeous patois Ross rendered so precisely. It did not take them very long to unearth the fact that "Leonard Q. Ross" was actually a man named Leo Calvin Rosten, born in Chicago to an immigrant Jewish family from Poland. (When asked how the son of an immigrant Jewish sweatermaker came to be named after a dour Swiss Protestant divine, Rosten explains: "The Calvin is not for that man, but for Calvin Coolidge, who was president when I was ready for high school. Everyone else had a middle initial, and I wanted one, too.") A graduate student in sociology at the University of Chicago, Rosten submitted the Kaplan stories to *The New Yorker* under a pseudonym because he was afraid that his dissertation would be rejected if it became known that while writing it he was also contributing humor to *The New Yorker*.

Jonathan Levine © 1994

Leo Rosten

These days, Rosten is best known to the general public as the author of *The Joys of Yiddish*, but any one of his multiple careers as a fiction-writer, journalist, linguist, sociologist, war propagandist, and above all, conversationalist would have qualified him for being what he is today at 85: a martini-drinking, pool-swimming New York icon who is consulted on any number of subjects by friends in high and low places.

The Kaplan stories were written long before multiculturalism had come into vogue, and the students in Mr. Parkhill's class unanimously assumed that a working mastery of English was essential to their new lives in America. This did not mean, however, that they tried to hide the culture they carried from their homelands. Miss Caravello, for example, could not resist praising Guiseppe Garibaldi every time Hyman Kaplan praised the American patriot he called "Judge Vashington."

Far from having his ego diminished by his difficulties in mastering English, Mr. Kaplan was extraordinarily stimulated by them; challenged to outwit the grammarians, he was determined to find

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deep within this new language a logic all his own. In that first story, for example, asked to provide the plurals of common nouns, Kaplan turned in a paper with the following message:

Nuns		PL
house	makes	houses
dog	"	dogies
libary	"	Public libary
cat	"	Katz

On the reverse side of the paper, the Kaplan logo appeared for the first time, adding a certain urgency to the question of whether Hyman Kaplan could ever learn to speak like other new immigrants.

Mr. Kaplan's vigorous personality, his big, smiling face mottled after summer vacations with freckles that Mr. Parkhill found himself imagining to be star-shaped, his insistence on always being right, and his bland distortion of all logic and reason to retrieve what he deemed a correct English answer from one of his own outrageous mistakes—all these characteristics combined to embody in the classroom a Dionysian figure who sometimes energized Mr. Parkhill, making him feel newly alive and yet a trifle uncomfortable. Sometimes, contrarily, Mr. Kaplan made him feel that he, Parkhill, was being swept remorselessly away from all the signposts that had lined his life, and that he was doomed to spend the rest of his days with Mr. Kaplan, hopelessly searching for an excuse to release his problem into Miss Higby's classroom for more advanced students.

The Kaplan stories established Rosten's reputation as a writer of truly distinguished fiction. The formidable British savant Isaiah Berlin, not primarily noted for his lightheartedness, stated publicly that H*Y*M*A*N K*A*P*L*A*N, is "one of the great and enduring characters in English literature." Rebecca West added her voice to the same effect. Evelyn Waugh, despite his reputation for never allowing himself to be quoted on anyone else's writing, published a long and enthusiastic essay on the H*Y*M*A*N K*A*P*L*A*N stories in the esteemed British weekly, the *Sunday Observer*.

Although it was also Rosten's habit to ignore reviews, he was so touched by Waugh's interest in a work so foreign to everything that Waugh himself had written, that he wrote to thank him and invite Waugh and his wife to have tea with the Rostens in the flat they had taken temporarily in London. "I got back a postcard," Rosten recently told this reporter. "The postcard read: 'From E.W. to L.R.: Alas, impossible. E.W.'" I thought for a long time how one should answer so economical a communication. What I finally sent back to the man I consider one of the greatest writers of our time read like this: 'From L. R. to E. W. Quite. L. R.'"

Ultimately Evelyn Waugh and his wife came to the Rostens' flat, had tea, and engaged in noncommittal conversation about anything except, Rosten explains, "what a writer hopes to hear from a true genius in his field. The most exciting moment in the afternoon came when Mr. Waugh told my wife, Zimi, that she had very beautiful legs. He then turned to Mrs. Waugh and instructed her to look at Zimi's legs. She did, I guess, because she agreed that Zimi did have beautiful legs."

Rosten's career following the publication of the Kaplan stories reveals certain similarities between Kaplan and his creator: a larger than life quality, intense intellectual energy, and independence. When Katharine White, then fiction editor of *The New Yorker*, offered Rosten the staggering sum of one thousand dollars a month simply to get first refusal rights on anything he happened to write, Rosten—whose photos at that time reveal a young man with a broad face, long, straight dark hair, and an amused, confident smile—turned the offer down. He did not intend to spend the rest of his life writing funny stories for a magazine, however profound and complex the relations between the two principal characters might be.

A fundamental trait in Rosten's character is the breadth of his interests, and his discomfort at the prospect of being tied down to any one of them for an indeterminate period of time. Upon finishing his dissertation, a study of Washington correspondents, Rosten embarked on a sociological study of Hollywood. Published just before the Second World War, it is as readable as a novel and was reviewed on the front pages of the *New York Times* and the *Herald Tribune*. It would, says Rosten today, "have made the Book of the Month Club if the reviews had not appeared on Sunday, December 7, 1941." Nevertheless, the book is of lasting interest to those who care about the psyches of actors, producers, screen writers, and directors.

Beginning with his research on Hollywood, Rosten came into

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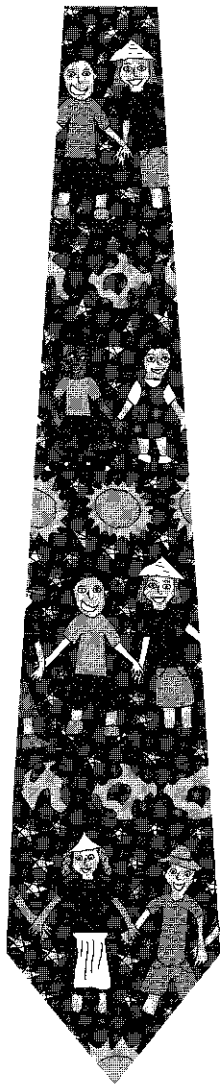
contact with people at the top of their fields, and found them, if anything, more interesting than the characters of his imagination. His subsequent writing—forty books in all—is mainly focused on language or on the experiences of real people. At the same time, the people he met in Hollywood found in Rosten—a doctor of philosophy, yet—not only a great interviewer, but a font of good ideas. After one interview, Walt Disney invited Rosten to several private restaurant lunches, personally driving his own car to pick him up. Louis B. Mayer, one of the movie industry's wise men, told Rosten that he reminded him of Irving Thalberg, a young producer generally considered a genius. But Rosten turned down Mayer's offer to stay on as an "idea man" at a handsome salary for the same reason he had rejected Katharine White's offer at *The New Yorker*. However, he did stay in Hollywood long enough to collaborate with Leonard Spiegelgass on the script of *All Through the Night*, the industry's first anti-Nazi film.

Soon after Pearl Harbor, Rosten received a telephone call asking him to come to Washington D.C. to serve in the agency that later became the Office of War Information. Ultimately Rosten became one of its deputy directors, serving in Washington and London for the rest of the war.

Rosten singles out two achievements in that period of which, in the Rosten style, he is modestly proud. One involved the British industrial effort after America had entered the war. "I was told," Rosten says, "by a British opposite number that British war factories, staffed very largely by women, were failing to keep up with former levels of production. Could Deputy Director Rosten think of some way of stimulating them?"

"After visiting a number of the factories," Rosten continued, "I noticed that the female workers were wearing their hair very long, either secured loosely by a ribbon on the back of the head, or hanging freely, often in curls. Some of them must have been afraid that their hair would get caught in the machines they were tending, and others were probably losing sleep by having to wear uncomfortable curlers at night. I got in touch with someone in Hollywood, and explained that it was their patriotic duty to bombard the British press with photographs of Ingrid Bergman with the short hair she had worn in *For Whom the Bell Tolls*, which made clear that Miss Bergman was continuing to wear her hair cut short because she liked it that way." Rosten says now that the short-hair style spread to England and that war production increased in the aftermath.

In his role at the Office of War Information, Rosten also pushed the Air Corps to plan a particularly heavy raid on the tenth anniversary of the Nazi Party's ascension to power in 1933. The Nazis had scheduled a special celebration in Berlin, an event to be broadcast in full over the state radio network. At a crucial point in the proceedings, the attack was launched, successfully breaking up the rally in chaos. When the war was over, Rosten remembers, "I talked to foreign slave workers in Germany who had been required to listen to the broadcast, and who decided, when



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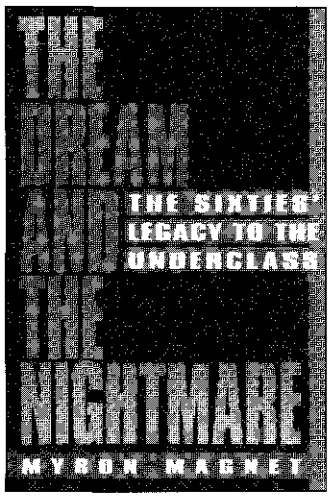

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they heard it broken up by Allied bombers, that there was hope; that, in fact, they now could believe that the Allies would win the war."

Today, Rosten lives with his wife Zimi in a penthouse apartment ("an igloo in winter; a boiler room in summer") on Sutton Place. It is catercorner from Sutton Square, a tiny cul-de-sac overlooking the East River, which figures prominently in *King Silky*, one of Rosten's dazzling detective novels with frank appeals to every taste from the lexicographic to the pornographic. The long black hair has turned gray, but the body is erect, the eyes sharp and the smile still there. The typical Rosten posture places him on a street corner, wearing a guard officer's greatcoat with a shawl collar and manipulating a cane like a chamberlain's baton, surveying his city as though seeing it for the first time, which in fact he is, because he manages to find something in every landscape, however familiar, that has the freshness of novelty and the miracle of change.

His ego remains so sturdy that he has room for worshiping other heroes. Indeed, he has filled a book with profiles of them, a number of which originally appeared in *Look Magazine*, for which he served as editorial consultant and columnist. Collected in a volume entitled *People I have Loved, Known or Admired*, the subjects range from his father to Montaigne, from Leonardo Da Vinci to Winston Churchill, and from Sigmund Freud to Coby Clay, who was both a real person (under another name) in the Air Corps and a character in one of Rosten's novels, *Captain Newman, M.D.* Coby earned the Croix de Guerre with palm leaves from Rosten as the only private soldier who never made his bed in the United States Army. Coby's iron resistance was so strong, based on the fact that his mother had always, and properly, made his bed, that to keep order on the air base Sergeant Pulaski made Private Coby's bed for him every day. After due consideration, Coby found it not incompatible with family tradition to make someone else's bed. He thereafter made Sergeant Pulaski's.

Although they are not celebrated in the book, a significant number of outstanding people are enshrined in what could be called the Rosten oral pantheon. Milton Friedman is one of them; so, also, are Allan Wallis, former president and chancellor of the University of Rochester and a noted economist, Fred Seitz, former president of Rockefeller University, Edward Teller, and Robert Jastrow, an astrophysicist, once of the Dartmouth College faculty and currently president of the Mount Wilson Observatory.

They and many more cerebral types who are yet capable of enjoying the Rosten humor have attended the monthly dinners of the now-nameless club that Rosten heads if they happen to be in New York on the right evening. Sixteen or so New Yorkers with congenial dispositions are monthly regulars. Rose Friedman, Milton Friedman's wife and collaborator, holds the distinction of being the only woman ever to attend such a meeting. That was some years ago

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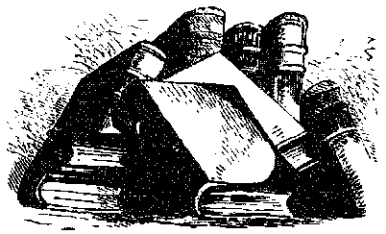
when the society was called the Chaos Club and forgathered at the Century Association. It now meets at the City Athletic Club, which seems a more appropriate place for the creator of Hyman Kaplan, inasmuch as the soup comes complete with an excellent, home-style matzoh ball, a confection that the Century Association, which features macaroons, never sought to match.



It is perfectly clear to any observer of the Rosten career that communication is his primary interest. Generally, that means language. Rosten points out in one of his books on language, *Hurray for Yiddish*, that the Gospel According to John starts with a proclamation: "In the beginning was the Word." The Bible says nothing special about when the word ends, an omission that would sometimes have been welcome at the Chaos Club and its successor. On several occasions when a distinguished visitor has been invited to one of the dinner meetings to reveal incredibly significant secrets from whatever field he is in, the guest has discovered that Leo Rosten's introduction is lasting somewhat longer than the remarks the invitee expected to make. Nonetheless, in his top form, Rosten makes a peerless interlocutor, with the rare skill of turning an ineffectual presentation into a near-stellar performance.

In addition to his novels, of which *Captain Newman, M.D.*, based on the experiences of a military psychiatrist during World War II, is surely the most compelling, Rosten has increasingly devoted himself to writing books about language. All of them are about Yiddish and its influence on the English language. Rosten is particularly fascinated by how words acquire and change their meanings, the revelations they offer of the culture that formed them, and the way in which the inflection of a spoken word can change its meaning. Yiddish, as set forth by Rosten, seems a language with a fairly limited vocabulary, but a gargantuan ambit of expressiveness. To convey the message the speaker has in mind, Yiddish requires a mastery of possible inflections that calls forth the talents of an actor. This may explain why so many contemporary comedians are Jewish, and why so many Yiddish words have been absorbed from the performing arts into the general American vocabulary.

In a sense, Rosten's oeuvre as a whole is a message. It tells us of the pleasure, indeed the happiness, in close observation of the people and world around us, of the delights in the examination of language, and the nuances of which people are capable in communicating with each other. Rosten and his books speak of the excitement of life itself: the joy of perceiving novelty, the value of discerning differences, and the need for a strong belief in a core of essential humanity underlying them. ■

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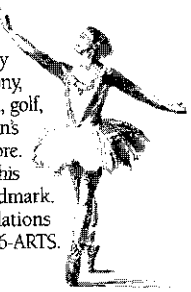

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CLIFTON HOOD

Underground Pioneers

Builders of New York's first subway faced a severe challenge in Manhattan's geology. Although the island has a total of only 23 square miles, it harbors an unrivaled range of forbidding features. Above 103rd Street, Manhattan is dominated by a line of ridges along its western shore rising 268 feet above sea level. It is also bisected by two major faults that were important barriers to transportation at the turn of the century. Moreover, most of the island is covered with Manhattan schist, a very hard rock that is extremely difficult to cut through. Even more serious than its hardness is the fact that it is susceptible to decay and can fracture or collapse without warning, making it highly unpredictable and dangerous.

The man who had to tackle this geological nightmare was William Barclay Parsons, the chief engineer of the Rapid Transit Commission. Born in 1859, Parsons was the scion of a proud, old New York family that had belonged to the city's Anglo-American elite during the colonial era. At 12, his parents sent him to an English private school in Torquay, Devonshire, and for the next four years he studied under private tutors while traveling through Britain, France, Germany, and Italy. On this grand tour Parsons formed a lasting admiration for the British aristocracy, which he credited with raising the level of civilization around the world.

In 1875, Parsons returned to New York and enrolled at Columbia College. A big, strapping youth who was good at games and was popular with his classmates despite a humorless streak that earned him the unattractive nickname "Reverend Parsons," he stroked the heavyweight eight-oared crew to a string of victories on the Harlem River, captained the tug-of-war team, won election as class president, and cofounded the student newspaper, the *Spectator*. He graduated from Columbia College in 1879 and three years later received a degree in civil engineering from the university's School of Mines.

After a brief stint on the staff of the Erie Railroad, Parsons started his own private practice as a consulting engineer in January

Name plaque with ornate border at Bleecker Street IRT station.

1885, with offices at 22 William Street in lower Manhattan. Although he designed a number of water supply systems and railways, Parsons became particularly excited about a scheme that a group of New York City businessmen hatched to build a subway from the Battery to the Harlem River. These entrepreneurs organized the Arcade Railway Company and hired Parsons as a staff engineer. The Arcade was riddled with internal strife, and Parsons and several other dissident employees soon split away to create a rival enterprise, the New York District Railway. The Arcade and the District spent more time fighting each other than planning subways, however, and both companies quickly went bankrupt.

Instead of being disheartened by this failure, Parsons grew fascinated by rapid transit engineering. He pored over topographical maps of Manhattan and hiked through city neighborhoods trying to figure out the best route, motive power, and construction methods for an underground railway. At the same time he exploited his aristocratic connections by cultivating Abram S. Hewitt, William Steinway, Seth Low, and other blue-blooded subway promoters.

Parsons' lobbying paid off. In 1891 the Steinway Commission chose him as its deputy chief engineer. When the new Rapid Transit Commission replaced the Steinway Commission in 1894, Parsons became its chief engineer.

William Barclay Parsons, 35, now took direct control of subway building. Tall and rangy, with a prominent jaw and piercing eyes that made him appear good-looking in a rough sort of way, Parsons radiated strength and dignity. He stayed calm under pressure and was known for his rigid self-control. Parsons was hardly an amiable or engaging man, and he had little personal warmth. But this stern, demanding patrician nonetheless drew first-rate engineers to his side, inspired their best work, and earned their lifelong loyalty. A journalist later observed that Parsons was a "born general and diplomat" who was "as thorough as a machine" and possessed an extraordinary gift for leadership.

True to his upper-class back-

Illustrations by Charles Waller

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ground, Parsons had a keen sense of social responsibility and believed that engineering entailed much more than narrow technical considerations. He thought of engineering as an instrument for expanding America's wealth and power so that it would eventually surpass Great Britain as the dominant world power.

Parsons found his life's work with the subway. Fervently embracing former mayor Abram S. Hewitt's imperial vision of rapid transit as an instrument for guaranteeing New York City's future, Parsons thought of the subway as a mission rather than a mere job.

The Age of Electricity

The first decision confronting Parsons was the selection of a motive power for the subway. When Parsons became chief engineer of the Rapid Transit Commission in 1894, electrical traction was still in its infancy in the United States. Parsons was skeptical about electric traction's possibilities and prudently refused to rule out steam or cable.

Late in the summer of 1894, Parsons sailed for Europe to make a survey of its railways. London was the birthplace of underground mass transportation, and in the 1890s it remained the center of rapid transit technology. On November 4, 1890, the City and South London Railway had inaugurated the world's first electrically powered subway. Originally intended for cable power, the City and South London converted to electricity at the last moment, and its design resembled a toy train set more than a major urban railway. The new underground was only three miles long, going from the Monument in the city to Stockwell on the south bank of the Thames River, and its two tunnels had a

Ceramic beaver plaque at Astor Place subway station.

diameter of just ten feet two inches. Its four-car trains were tiny, seating no more than 96 riders, and they averaged just 13 miles per hour. Passenger accommodations were not ideal, either. Angry riders complained that the carriages were stuffy and uncomfortable.

Despite these drawbacks, Parsons understood that the City and South London represented a gigantic step forward from London's two steam undergrounds. He noted that its stations and carriages were clean and well-ventilated, and that its patrons did not ruin their clothes or inhale noxious fumes. But Parsons was more concerned about economics than about the environment. Consequently, he was impressed that the City and South London tallied lower fuel, repair, and labor costs than the two steam undergrounds, suffered relatively few mechanical breakdowns, and made a modest profit. To Parsons this was convincing proof that electricity was the solution.

How Deep Should the Subway Go?

As much as he had learned from the City and South London, Parsons knew that the New York subway could not be designed from another underground railway's blueprint. Manhattan's tough physical and urban geography demanded a unique engineering solution, not a carbon copy of another's.

Manhattan's geological uniqueness had a particularly strong bearing on the question of the subway's depth. Geologists and engineers recognized that Manhattan schist was a hard, heterogeneous substance that would impede tunneling. What they had not appreciated, however, was that the schist did not lie at an even depth below the surface. In the nineteenth century the amount of knowledge about New York City's geology was minimal. Before the construction of skyscrapers required digging deep foundations, and at a time when only a few public works such as the Croton Aqueduct and the Brooklyn Bridge entailed much underground construction, engineers lacked basic information about the subsurface.

William Barclay Parsons himself was among the first to discover that the distance from the ground to bedrock varied from place to place. In 1891, while drilling test holes for the Steinway Commission along the route of its projected Broadway subway, Parsons uncovered a striking phenomenon: The schist came within 20 feet of the surface at Whitehall Street on the Battery; dropped to a depth of 163 feet at Duane Street, three blocks north of City Hall; remained at a low level under Greenwich Village; and then climbed back to 16 feet at 30th Street. This U-shaped rock contour had important consequences for Manhattan's growth. For instance, one reason for the emergence of lower and midtown Manhattan as the main business districts was that the schist rose so

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close to the surface there, it provided an excellent building foundation for skyscrapers.

Parsons' discovery affected the decision of the Rapid Transit Commission about whether to construct the New York subway near the surface, or far below ground, like the City and South London. If the RTC followed the City and South London's lead, its tunnel would cross a mixed face of partly soft earth and partly hard rock. Transiting a mixed face was a poor engineering practice because it would generate high construction costs and produce an unsound structure. One way to avoid a mixed face was to sink the tunnel so deep—as much as two hundred feet below Broadway, the equivalent of two-thirds of a football field—that it would pass only through solid bedrock. But even though this alternative would bring about a structurally sound subway, Parsons warned that it would require the installation of expensive elevators, escalators, and ventilators that would raise capital and operating costs to uneconomical heights.

The answer, Parsons argued, was to build the subway within 15 or 20 feet of the surface. He claimed that a shallow subway could be constructed by excavating a trench in the street, a relatively simple expedient that would cost less than a deep tube and yet would yield a stable structure. There was one drawback to a shallow subway, however: The space below most city streets was already filled with a maze of electric cables, telephone lines, telegraph wires, water pipes, steam mains, and sewers that would have to be removed and rebuilt elsewhere. Parsons nonetheless concluded that a shallow subway would cost one-eighth as much as a tube, and he strongly recommended that the Rapid Transit Commission opt for a shallow subway.

In early 1895 the Rapid Transit Commission adopted an engineering plan that incorporated most of Parsons' ideas: a shallow railway with four tracks on a single level as far as the Ninety-Sixth Street junction, and with two tracks (later enlarged to three in some places) on the Broadway and Lenox Avenue branches. Once the RTC approved its basic engineering design, Parsons had to wait until the commissioners awarded a franchise and then construction could begin. For the chief engineer, the five-year wait for the RTC's plan to emerge from the labyrinth of mayoral, aldermanic, and judicial oversight was torture. Parsons grew particularly concerned when other European and North American cities began passing New York City in the race for rapid transit. Between 1895 and 1900, as New York's courts dickered over the RTC's budget and route, Glasgow, Budapest, and Boston unveiled new underground railways and Paris started to build its first metro. Parsons feared his dream of building the New York subway would not be realized.

Construction of the IRT

Late in 1899 a cable announcing that the RTC's subway plan had finally been approved reached Parsons in Canton, China, where he was surveying a thousand-mile railroad from Hankow to the sea on behalf of a syndicate headed by J. P. Morgan. Overjoyed with the happy news, Parsons immediately quit the Chinese survey and sailed

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for home. By the time subway construction began on March 26, 1900, two days after a groundbreaking ceremony was held on the steps of City Hall, Parsons was already hard at work.

The new subway would run from City Hall, in lower Manhattan, to Grand Central Terminal, across 42nd Street to Times Square on the West Side, and then up Broadway to 96th Street on the Upper West Side. At 96th Street, the subway split into two branches, with one following Broadway to Van Cortlandt Park in the Western Bronx and the other going through Harlem, crossing the Harlem River, and terminating at Bronx Park in the Central Bronx.

Contemporary building technology was so primitive that the IRT had to be constructed almost entirely by hand. Because there were few steam shovels or bulldozers available in 1900, the burden fell almost entirely on the 7,700 laborers who made up the workforce at its peak. These workers were predominantly Irish and Italian, although there were also Germans, African-Americans, Greeks, and members of other ethnic groups. Unskilled workers earned from $2.00 to $2.25 per day, skilled workers about $2.50. Wielding picks, shovels, hammers, percussion drills, and other hand tools, these workmen literally gouged the subway out of the raw earth. These laborers led hard lives.

The standard form of construction was known as cut and cover. The laborers began by cutting a hole the width of the street. Excavating this trench was fairly easy below 10th Street, where the subway ran through soft soils. It was much more difficult above 10th Street where much of the route passed through solid rock that had to be drilled and dynamited. In both sections, work gangs had to shore up the old buildings that lined the path of the IRT, maneuver around the underground storage vaults that extended into the streets, and relocate sewers and utilities. Traffic was a concern, too. On busy downtown thoroughfares such as Park Row that had to stay open during construction, workers covered the trench with a temporary wooden bridge that supported trolleys, carriages, and wagons; on less important arteries the street was closed during construction and the hole remained open.

Faience eagle, emblem of the 71st Regiment Armory that once stood above the 33rd Street IRT station.

After completing the trench, the workers erected the structural framework that would house the tracks, signals, third rail, and other equipment. This framework was made of steel and concrete and resembled an elongated rectangular box. Laborers poured a four-inch-thick concrete foundation across the bottom of the trench to form the box's base. They fabricated its sides and roof by planting steel I-beams every five feet and pouring concrete into the gaps between the beams. This technique of embedding steel columns in concrete produced an exceptionally strong structure that could easily bear the weight of the street.

Cut and cover was the most common type of construction, but it could be employed on no more than 52 percent of the subway's total length. Due to the island's hilly topography, abrupt changes in the ground level occurred so frequently that the use of cut and cover would not have kept the rails at grade. To prevent the IRT from resembling a Coney Island roller coaster, the RTC had to build a wide variety of structures, including a 2,174-foot steel arch viaduct across Manhattan Valley between 122nd and 135th streets and rock tunnels in Murray Hill and upper Manhattan.

Of all the techniques used on the subway, rock tunneling was the most demanding. The workers started by sinking a vertical shaft at both ends of the tunnel. Then they isolated a small section at the bottom of each shaft and began driving a narrow heading there. This heading was advanced by drilling holes seven feet into the face of the schist and putting dynamite charges in the cavities. After detonating the explosives, the laborers returned to the face, cleared the rubble, and braced the new section of the tunnel. Then they started drilling again. This cycle of drilling, blasting, clearing, and timbering continued until the two headings met in the middle and the tunnel was completed. The workmen then enlarged the tube to its full size, lined it with concrete, and installed tracks, third rails, and signals.

The subway's most daunting

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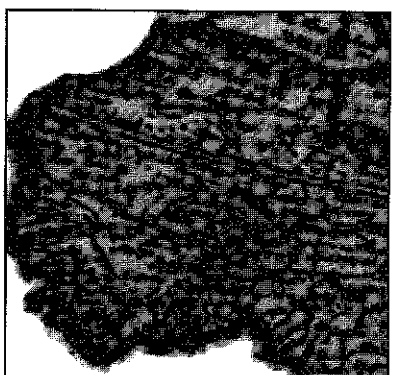

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structure was a tunnel that ran over two miles from 158th Street in Washington Heights to Hillside Avenue in Fort George. It ranked as the second longest two-track rock tunnel ever built in the United States, surpassed only by the famous Hoosac Tunnel in western Massachusetts. It was so deep that elevators had to be installed so that passengers could reach the 168th Street, 181st Street, and 191st Street stations; the 191st Street stop is 180 feet below ground and remains the subway system's deepest station today.

The construction of this imposing tunnel attracted miners from all over: eastern Pennsylvania's anthracite coal hills, Colorado's silver lode, the Klondike gold strike, South Africa's gold and diamond fields, Wales, Ireland, Scandinavia, and Canada. These were men who spent their lives wandering from place to place. They earned up to $3.75 a day, almost twice as much as unskilled workers, and pointedly referred to the tunnel as the "mine" in order to distance themselves from ordinary laborers. During the IRT's construction they lived in boardinghouses in Washington Heights and turned this neighborhood into a tough mining camp that reverberated with the rhythms of work, drinking, and whoring.

Boring through Manhattan schist was difficult because the rock was hard; it was dangerous because the schist lacked uniformity. Drillers often encountered unexpected geological hazards that delayed the project and cost lives—rock slides, pockets of broken rock or loose gravel, and underground ponds.

The single worst accident that took place during the construction of the subway occurred here in October 1903, near the tunnel's Fort George portal. At the time the tunnel crews were working several hundred feet north of 193rd Street and St. Nicholas Avenue, on the rear slope of Fort George, where the schist lay at a steep angle that was conducive to slides, and in a strata of broken rock that was riddled with fissures and seams. Although these treacherous geological conditions probably should have dictated a cautious approach, only a few hundred feet remained to be excavated before the tunnel was holed through, and the contractor, L.B. McCabe & Sons, was in a hurry. Consequently, McCabe ordered three dynamite blasts be set off every day instead of the normal two.

This decision proved fatal. Shortly after 10:00 p.m. on October 24, a gang of 22 men triggered a series of explosions in the tunnel. Ten or fifteen minutes later, foreman Timothy Sullivan returned to the rock face by himself in order to sound the tunnel's walls. He was responsible for making sure that the blast did not loosen any rocks in the roof and walls that might fall on his crew. Thinking the schist looked stable, Sullivan shouted, "Come on boys, let's get to work." Sullivan was unaware that an underground spring was hidden behind the face, weakening the rock. Shortly after the laborers reached the blast site, a huge three-hundred-ton boulder measuring 44 feet long and 4 or 5 feet wide, dropped from the roof, killing six men instantly and seriously injuring eight others.

Two days later William Barclay Parsons arrived at the portal and inspected the accident site. Dismissing the possibility that the contractor's speedup might have contributed to the disaster, Parsons concluded that the mishap

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was an unavoidable result of Fort George's unforgiving geology. "All possible [safety] precautions had been taken," he assured the Rapid Transit Commission in his annual report.

Parsons lost no sleep over the deaths of these lowly workers of foreign stock. To Parsons, all that really mattered was keeping subway construction on schedule and making sure that it was completed successfully.

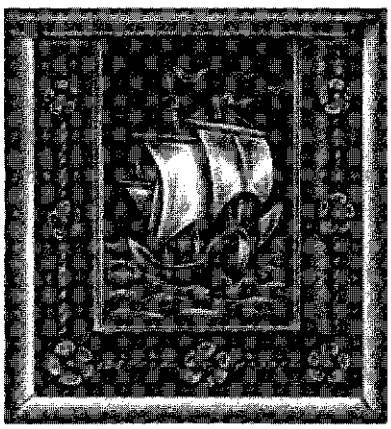
Opening Day

After more than 15 years of planning and four years of construction, the IRT subway finally opened on October 27, 1904. For weeks, New Yorkers had been waiting eagerly for the big event. In the words of one newspaperman, New York City went "subway mad" over the IRT's inauguration. For the past month, hundreds of New Yorkers had held "subway parties" to celebrate opening day. On October 27th itself, courthouses, office buildings, and shops were decked out with flags and bunting; guns, sirens, and church bells resounded all day long. Thousands of people had queued up outside the stations, waiting for their first subway ride.

At seven that night, the IRT opened its doors to the public. Men and women who had been anticipating this moment for weeks streamed down the stairs and onto the cars. The night took on a carnival atmosphere, much like New Year's Eve. Groups of couples celebrated by putting on their best clothes, going out to dinner, and then taking their first subway ride together. Some people spent the entire evening on the trains, going back and forth along the line. Reveling in the IRT's sheer novelty, these riders wanted to soak up its unfamiliar sights and sensations for as long as possible.

New Yorkers had every reason to be excited by their first glimpse of the IRT. New York's new subway was the most technologically advanced rapid transit railway in the world; within two decades, it would be the world's longest rapid transit line, too.

In a speech he made earlier on October 27th, at the official dedication ceremony in City Hall, Mayor George B. McClellan Jr. had predicted that the subway would guarantee New York's position as a great city. McClellan claimed that the IRT would tie this far-flung city together into a single economic and social unit and promote urban development.



Ceramic plaque of the Santa Maria at the Columbus Circle IRT station.

His prediction came true within a decade. The IRT subway brought vast reaches of upper Manhattan and the Bronx within easy traveling time of downtown, unleashing a gigantic construction boom that tripled the size of the built-up area.

The IRT changed New York City almost beyond recognition. Gone were the farms and villages that had covered northern Manhattan and the Bronx in 1900, and gone was the pattern of sparse and uneven development that had characterized the Upper West Side. From Times Square's theaters and movie houses to the Upper West Side's huge ten-story apartments and to the new working-class neighborhoods in the Bronx, the face of the city acquired a new set of distinctly urban features.

The settlement of the outlying sections of northern Manhattan and the Bronx was the most important consequence of the IRT. In effect the subway represented an indirect municipal subsidy to the private construction industry that built this new housing and to the low-income tenants who inhabited it. Only a rapid transit railway as fast as the IRT could have opened up these distant regions for residential expansion, and only a publicly financed subway could have achieved the IRT's high technological standards. Without violating the laissez-faire taboo against direct intervention in the private sector, city government helped provide decent accommodations for working-class families. The subway's enduring legacy was that the lives of New York's poorer citizens became fuller and more productive.

The subway was a great success. In vindicating the judgment of William Barclay Parsons and its other founders, the new underground railway testified to the abiding importance of ambition and imagination in city-building. ■

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ADAM P. GLICK

First Things First

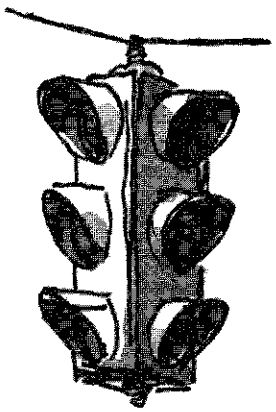
Years ago, a high school class was asked to name the most pressing problem facing the United States. Most students got up and delivered a short speech on world peace, the environment, or some other "serious" issue. When it was his turn, the smartest student in the class stood up and said, "The timing of traffic lights on U.S. 1," and sat down.

He was, as usual, 100 percent right. Future Supreme Court clerk and UCLA Professor of Law Daniel Bussel's point was that governments work best from a bottom-up perspective, rather than a top-down one. It is a lesson lost on almost everyone. The recent debate in New York City over whether Mayor Giuliani is crazy to be wasting his time concerning himself with squeegee men (er, persons) proves that this issue is still relevant.

New York's municipal government spends billions of dollars pursuing the noble goals of housing the poor, ending poverty, providing a free college education for every single citizen, etc., while at the same time its parks are filthy, roads are gridlocked, graffiti is everywhere, and citizens are afraid to walk the streets at night. It has operated under the theory that petty crimes are to be ignored because the police have more important things to do than chase after juvenile delinquents. This is dead wrong.

It is precisely government's inability to tackle its small problems that leaves citizens with the impression that things are out of control. Graffiti on a subway train, a "harmless" person urinating on the sidewalk, and stalled traffic may not seem like pressing issues, but they are manifestations of a system out of control.

Governments don't fail because they are unable to build another senior citizen center, municipal hospital, system of high-tech interconnected infrastructure, or shelter for the homeless. Governments fail because the private sector has been so stifled by the "higher aims" of the government that it is unable to grow at sufficient speed to provide a growing population with jobs and a growing government with revenues.



Take the French, the Russian, or the American revolution. Not one battle was fought because the government was too little involved in the lives of its citizenry. No blood was shed because universities had underambitious affirmative action plans, because the military improperly discriminated against gays, or because milk price supports were too low. The common thread between all three was too much governmental interference in the economy, leading, in France and Russia, to poverty.

Similarly, today's denizens of poorly run cities are not leaving because they are upset about an underambitious plan to build low-income housing or because the sociology program at the local community college is being cut back. They are leaving because they have been left with the impression that things are out of control. The inability to travel 15 city blocks in less than half an hour, the sight of graffiti on the walls of a subway car or bus, the total failure of the public school system: this is what threatens citizens. These things are as scary as the news that yet another drug dealer has been shot down in a neighborhood that most New Yorkers have been afraid to visit or inhabit for the last ten years.

For municipal governments to reverse their current downward spiral they must first reexamine their priorities. At the top of the list must come what is now at the bottom. Motorists attacked by squeegee men at every stoplight, businessmen forced to put up with a labyrinth of laws that would confuse Solomon, children who avoid the sandbox in the playground because it is full of hypodermic needles—or because someone has just urinated there—are all scared. They are scared that the system of government that they entrust to maintain order is in danger of failing.

Confidence will be restored in government when governments prove able to efficiently handle the quotidian problems of their citizenry. Only then will they be entitled to a shot at society's more complicated ones. ■

David Klug

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